San Diego County Sheriff's Department
Arrest/Juvenile Contact Report

Case No. **16141936**

CAD Event No.: **E3568537** | Case Disposition: **Arrest**

Primary Victim: **Rivera, N** | Report No. **16141936.1**

[X] ARREST REPORT
[ ] JUVENILE CONTACT REPORT — WARRANT: [X] LOCAL [ ] OUT

GENERAL CASE INFORMATION

Primary Charge: 69 - PC - OBSTRUCT/RESIST EXECUTIVE OFFICER WITH MINOR INJURY (F)			
Special Studies: TR - Transient Related			Related Cases:
Location, City, State, ZIP: 10195 Riverford Rd, Lakeside, CA 92040			Occurred On: 08/18/2016 10:20:18 (Thursday)
Jurisdiction: LAKESIDE - LAKESIDE	Beat: 521	Call Source: DEPUTY	(and Between):
Means:		Motives:	

VICTIM/S

Victim #1

Person Code: [ ] Secured Premise [ ] Discovered Crime [ ] Reporting Party [ ] Law Enforcement Officer

Name:	Victim Type:	Interpreter Language:
Rivera, N	I - Individual	

ALIAS / AKA / NICKNAME / MONIKER:

Name Type:	First:	Middle:	Last:	Suffix:

Victim Of: 69 - PC - OBSTRUCT/RESIST EXECUTIVE OFFICER WITH MINOR INJURY (F)								County Residence: N - Nonresident
Home Address, City, State, ZIP: 8811 Cuyamaca St, Santee, CA 92071					Res. Country:		Place of Birth:	Undocumented:
Race: X	Sex: U	Date of Birth / Age: 00	Height:	Weight:	Hair Color:	Eye Color:	Facial Hair:	Complexion:
Employment Status: E - Employed		Occupation/Grade: Deputy Sheriff		Employer/School: San Diego Sheriff's Department			Employer Address, City, State, ZIP: 8811 Cuyamaca St, Santee, CA 92071	

CONTACT INFORMATION:

Type:	Number/Address:
WP - Work Phone	619 956-4000

IDENTIFICATION:

Type:	Number:	State:	Country:
SH - Sheriff ID	0124		

Attire:	Injury:	Extent of Treatment:	Violent Crime Circumstances:
Department Uniform	M - Apparent Minor Injury	01 - None	

LAW ENFORCEMENT OFFICER KILLED OR ASSAULTED INFORMATION	Type:	Type Activity:	Type Assignment:
VICTIM OFFENDER RELATIONSHIPS	Offender: Whaley, Austin William	Relationship: ST - Victim Was Stranger	

Victim #2

Person Code: [ ] Secured Premise [ ] Discovered Crime [ ] Reporting Party [ ] Law Enforcement Officer

Name:	Victim Type:	Interpreter Language:
Kastelic, R	I - Individual	

ALIAS / AKA / NICKNAME / MONIKER:

Name Type:	First:	Middle:	Last:	Suffix:

Victim Of: 69 - PC - OBSTRUCT/RESIST EXECUTIVE OFFICER WITH MINOR INJURY (F)								County Residence: R - Resident
Home Address, City, State, ZIP: 8811 Cuyamaca Street, Santee, CA 92071					Res. Country: US		Place of Birth:	Undocumented: No
Race: W	Sex: M	Date of Birth / Age: 00	Height:	Weight:	Hair Color:	Eye Color:	Facial Hair:	Complexion:

Reporting Officer	Division / Organization	Reviewed By
SH1646 - RIGGIN, JAMES	Santee Station SANTEE PATROL	SH2160 - MCNEILL, MICHAEL
Report Date	**Detective Assigned**	**Reviewed Date**
8/18/2016 1:36:54 PM	SH7516 - BEERS, WILLIAM	08/19/2016 14:07:08

Employment Status:	Occupation/Grade:	Employer/School:	Employer Address, City, State, ZIP:
E - Employed	**Deputy Sheriff**	**San Diego Sheriff's Department**	**8811 Cuyamaca Street, Santee, CA 92071**

CONTACT INFORMATION:

Type:	Number/Address:
WP - Work Phone	**619 956-4000**

IDENTIFICATION:

Type:	Number:	State:	Country:
SH - Sheriff ID	**6333**		

Attire:	Injury:	Extent of Treatment:	Violent Crime Circumstances:
	M - Apparent Minor Injury	**01 - None**	

LAW ENFORCEMENT OFFICER KILLED OR ASSAULTED INFORMATION	Type:	Type Activity:	Type Assignment:

VICTIM OFFENDER RELATIONSHIPS	Offender:	Relationship:
	Whaley, Austin William	**ST - Victim Was Stranger**

IBR/UCR OFFENSE/S

Offense Description:	Level:	Against:	Completed?	Counts	Using:
69 - PC - OBSTRUCT/RESIST EXECUTIVE OFFICER WITH MINOR INJURY (F)	**F**	**PE**	**Yes**		

Location Type:	Hate/Bias:	Domestic Violence:
13 - Highway/Road/Alley	**88 - None (No Bias)**	**No**

Criminal Activity:	Type Security:	Gang Related:	Entry:	Point of Entry:
		No		

Weapons/Force:	Tools:		Targets:
40 - Personal Weapons (Threats, Hands, Fists, Feet, etc.)			

Offense Description:	Level:	Against:	Completed?	Counts	Using:
11364 - HS - POSS CONTROLLED SUBS PARAPHERNALIA (M)	**M**	**SO**	**Yes**		**D - Drugs/Narcotics**

Location Type:	Hate/Bias:	Domestic Violence:
13 - Highway/Road/Alley	**88 - None (No Bias)**	**No**

Criminal Activity:	Type Security:	Gang Related:	Entry:	Point of Entry:
P - Possessing/Concealing U - Using/Consuming		**No**		

Weapons/Force:	Tools:		Targets:

Offense Description:	Level:	Against:	Completed?	Counts	Using:
BW-M - ZZ - MISDEMEANOR BENCH WARRANT (OUR AGENCY)	**M**		**Yes**		**N - Not Applicable**

Location Type:	Hate/Bias:	Domestic Violence:
13 - Highway/Road/Alley	**88 - None (No Bias)**	**No**

Criminal Activity:	Type Security:	Gang Related:	Entry:	Point of Entry:
		No		

Weapons/Force:	Tools:		Targets:

ARRESTEE/S

Arrestee #1

Name:	County Residence:	Interpreter Language:
Whaley, Austin William	**N - Nonresident**	

ALIAS / AKA / NICKNAME / MONIKER:

Name Type:	First:	Middle:	Last:	Suffix:

Home Address, City, State, ZIP:	Res. Country:	Place of Birth:	Undocumented:
[redacted]	**US**	**California**	

Race:	Sex:	Date of Birth / Age:	Height:	Weight:	Hair Color:	Eye Color:	Facial Hair:	Complexion:
W	**M**	[redacted] **- 31**	**6' 0"**	**150**	**BRO**	**HAZ**	**07 - Scraggly Beard**	

Reporting Officer	Division / Organization	Reviewed By
SH1646 - RIGGIN, JAMES	**Santee Station SANTEE PATROL**	**SH2160 - MCNEILL, MICHAEL**
Report Date	**Detective Assigned**	**Reviewed Date**
8/18/2016 1:36:54 PM	**SH7516 - BEERS, WILLIAM**	**08/19/2016 14:07:08**

Hair Style:	Hair Length:	Build:	Teeth:	Suspected User:
H - Shag	**L - Shoulder**	**M - Medium**	**4 - Decayed**	

Employment Status:	Occupation/Grade:	Employer/School:	Employer Address, City, State, ZIP:
U - Unemployed			

CONTACT INFORMATION:

Type:	Number/Address:

IDENTIFICATION:

Type:	Number:	State:	Country:
DLN - Drivers License Number	[redacted]	**CA**	
SSN - SSN	[redacted]		

SCARS, MARKS, TATTOOS, ODDITIES:

Attire:	Suspect Actions:
	,

ARREST INFORMATION

Arrest Type:	LE Disposition:	JUS 750 Type:	Citation No.:	Booking No.:
O - Probable Cause Arrest - New Case	**4 - Felony (Adult Only)**	**2 - Booked**		

Arrested For:	Level:	Completed:	Counts:
BW-M - ZZ - MISDEMEANOR BENCH WARRANT (OUR AGENCY)	**M**	**Yes**	
69 - PC - OBSTRUCT/RESIST EXECUTIVE OFFICER WITH MINOR INJURY (F)	**F**	**Yes**	
11364 - HS - POSS CONTROLLED SUBS PARAPHERNALIA (M)	**M**	**Yes**	

WARRANT ARREST / HOLD DETAILS

Warrant #	Court/Agency of Jurisdiction	Bail	Offense(s)	Issuing Judge	Date Of Issuance	Warrant / Hold Type(s)
C356837	**San Diego Superior Court - El Cajon**	**$5,000**	**11364 - HS - POSS CONTROLLED SUBS PARAPHERNALIA (M)**	**Lamborn**	**2/19/2016**	**Hold - In County Warrant**
C355062	**San Diego Superior Court - El Cajon**	**$5,000**	**11364 - HS - POSS CONTROLLED SUBS PARAPHERNALIA (M)**	**Halgren**	**12/21/2015**	**Hold - In County Warrant**
C355797	**San Diego Superior Court - El Cajon**	**$5,000**	**11364 - HS - POSS CONTROLLED SUBS PARAPHERNALIA (M)**	**Halgren**	**12/24/2015**	**Hold - In County Warrant**

Arrested By:	Arrest Date and Time:	Arrest Location, City, State, ZIP:	Beat:
SH1646 - RIGGIN, JAMES	**08/18/2016 10:20:18**	**10195 Riverside Drive, Lakeside, CA 92040**	**521**

Arrest Assisted By:	Transported By:
SH6333 - KASTELIC, ROBERT **SH0124 - RIVERA, NATALIE**	**SH0075 - WALTON, STEPHEN**

Miranda Read:	Admonished By:	Miranda Response:	Jail Billing Code:	Booked Location:
Yes	**SH0075 - WALTON, STEPHEN**	**"Yes, Yes"**	**SD Sheriff's Office**	**San Diego Central Jail**

Armed With:	Use of Force to effect Arrest:
01 - Unarmed	**Yes**

JUVENILES

Adult Present:	Person Notified:	Juvenile Disposition:	Detention Name:

Parents Notified By:	Notification Method:	Date and Time Notified:	Juvenile Released To:

RELEASE INFORMATION

Reporting Officer	Division / Organization	Reviewed By
SH1646 - RIGGIN, JAMES	**Santee Station** **SANTEE PATROL**	**SH2160 - MCNEILL, MICHAEL**
Report Date	**Detective Assigned**	**Reviewed Date**
8/18/2016 1:36:54 PM	**SH7516 - BEERS, WILLIAM**	**08/19/2016 14:07:08**

Released Location:	Released On:	Released By:	Release Reason:

SUSPECT/S (Not Yet Arrested)

WITNESSES

Witness #1

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer

Witness Type Code: ☐ 01-Arresting Officer ☐ 06-Other Lay Witness ☐ 07-Narc Chemist ☐ 12-Other Expert ☐ 13-Investigator ☐ 14-Other

Name:	Person Code:	County Residence:
[redacted]		**R - Resident**

ALIAS / AKA / NICKNAME / MONIKER:

Name Type:	First:	Middle:	Last:	Suffix:
[redacted]	[redacted]	[redacted]	[redacted]	

Home Address, City, State, ZIP:	Res. Country:	Place of Birth:	Undocumented:
[redacted]	**US**		

Race:	Sex:	Date of Birth / Age:	Height:	Weight:	Hair Color:	Eye Color:	Facial Hair:	Complexion:
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	

Employment Status:	Occupation/Grade:	Employer/School:	Employer Address, City, State, ZIP:
U - Unemployed			

CONTACT INFORMATION:

Type:	Number/Address:
MP - Mobile Phone	[redacted]

IDENTIFICATION:

Type:	Number:	State:	Country:
DLN - Drivers License Number	[redacted]	**CA**	
SSN - SSN	[redacted]		

Injury:	Extent of Treatment:
N - None	**01 - None**

Witness #2

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer

Witness Type Code: ☐ 01-Arresting Officer ☒ 06-Other Lay Witness ☐ 07-Narc Chemist ☐ 12-Other Expert ☐ 13-Investigator ☐ 14-Other

Name:	Person Code:	County Residence:
[redacted]	**06 - Other Lay Witness**	**U - Unknown**

ALIAS / AKA / NICKNAME / MONIKER:

Name Type:	First:	Middle:	Last:	Suffix:
[redacted]	[redacted]		[redacted]	

Home Address, City, State, ZIP:	Res. Country:	Place of Birth:	Undocumented:
[redacted]	**US**		

Race:	Sex:	Date of Birth / Age:	Height:	Weight:	Hair Color:	Eye Color:	Facial Hair:	Complexion:
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	

Employment Status:	Occupation/Grade:	Employer/School:	Employer Address, City, State, ZIP:
U - Unemployed			

CONTACT INFORMATION:

Type:	Number/Address:

IDENTIFICATION:

Type:	Number:	State:	Country:
DLN - Drivers License Number	[redacted]	**CA**	**US**
SSN - SSN	[redacted]		

Injury:	Extent of Treatment:
N - None	**01 - None**

Reporting Officer	Division / Organization	Reviewed By
SH1646 - RIGGIN, JAMES	**Santee Station SANTEE PATROL**	**SH2160 - MCNEILL, MICHAEL**
Report Date	**Detective Assigned**	**Reviewed Date**
8/18/2016 1:36:54 PM	**SH7516 - BEERS, WILLIAM**	**08/19/2016 14:07:08**

Witness #3

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer

Witness Type Code: ☐ 01-Arresting Officer ☒ 06-Other Lay Witness ☐ 07-Narc Chemist ☐ 12-Other Expert ☐ 13-Investigator ☐ 14-Other

Name:	Person Code:	County Residence:
[redacted]	**06 - Other Lay Witness**	**N - Nonresident**

ALIAS / AKA / NICKNAME / MONIKER:

Name Type:	First:	Middle:	Last:	Suffix:

Home Address, City, State, ZIP:	Res. Country:	Place of Birth:	Undocumented:
[redacted]	**US**		

Race:	Sex:	Date of Birth / Age:	Height:	Weight:	Hair Color:	Eye Color:	Facial Hair:	Complexion:
[redacted]	[redacted]	[redacted] - [redacted]						

Employment Status:	Occupation/Grade:	Employer/School:	Employer Address, City, State, ZIP:

CONTACT INFORMATION:

Type:	Number/Address:
MP - Mobile Phone	[redacted]

IDENTIFICATION:

Type:	Number:	State:	Country:
DLN - Drivers License Number	[redacted]	**CA**	

Injury:	Extent of Treatment:
N - None	**01 - None**

Witness #4

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer

Witness Type Code: ☐ 01-Arresting Officer ☒ 06-Other Lay Witness ☐ 07-Narc Chemist ☐ 12-Other Expert ☐ 13-Investigator ☐ 14-Other

Name:	Person Code:	County Residence:
[redacted]	**06 - Other Lay Witness**	**R - Resident**

ALIAS / AKA / NICKNAME / MONIKER:

Name Type:	First:	Middle:	Last:	Suffix:

Home Address, City, State, ZIP:	Res. Country:	Place of Birth:	Undocumented:
[redacted]	**US**	[redacted]	[redacted]

Race:	Sex:	Date of Birth / Age:	Height:	Weight:	Hair Color:	Eye Color:	Facial Hair:	Complexion:
[redacted]	[redacted]	[redacted] - [redacted]	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]

Employment Status:	Occupation/Grade:	Employer/School:	Employer Address, City, State, ZIP:
E - Employed			

CONTACT INFORMATION:

Type:	Number/Address:
MP - Mobile Phone	[redacted]

IDENTIFICATION:

Type:	Number:	State:	Country:

Injury:	Extent of Treatment:
N - None	**01 - None**

Reporting Officer	Division / Organization	Reviewed By
SH1646 - RIGGIN, JAMES	**Santee Station SANTEE PATROL**	**SH2160 - MCNEILL, MICHAEL**
Report Date	**Detective Assigned**	**Reviewed Date**
8/18/2016 1:36:54 PM	**SH7516 - BEERS, WILLIAM**	**08/19/2016 14:07:08**

OTHER ENTITIES

PROPERTY

Property Item #1.000 - vials of blood

Derivative No.: **0**	Property Category: **3311 - Biological - Liquid Blood - in tube or vial**				
Status: **ES - Evidence (Seized)**	Count: **2**	Value:			
Manufacturer:	Model:				
Serial No.:	Model Year:	OAN:			
Color:	Caliber:				
Body Style:	Recovered/ Seized Date: **08/18/2016**				
Owner:	Disposition: **placed in Santee Refer**				
Evidence Tag:	Alert(s):				
Drug Type:	Drug Quantity:				
Search Warrant:					
Notes:					

Lab Service Request:	Property Notes:
Toxicology Send Out	**Please test for presence of narcotics**

Property Item #2.000 - 7-Eleven Video Footage

Derivative No.: **0**	Property Category: **1311 - Recording - Interview or Case related - Video/Photo CD, DVD, Tape, Film, Digital storage, Negative**				
Status: **ES - Evidence (Seized)**	Count: **1**	Value:			
Manufacturer:	Model:				
Serial No.:	Model Year:	OAN:			
Color:	Caliber:				
Body Style:	Recovered/ Seized Date: **08/19/2016**				
Owner:	Disposition: **placed into evidence**				
Evidence Tag:	Alert(s):				
Drug Type:	Drug Quantity:				
Search Warrant:					
Notes:					

Property Item #3.000 - DVD Containing surveillance and photos

Derivative No.: **0**	Property Category: **1311 - Recording - Interview or Case related - Video/Photo CD, DVD, Tape, Film, Digital storage, Negative**				
Status: **ES - Evidence (Seized)**	Count: **1**	Value:			
Manufacturer:	Model:				
Serial No.:	Model Year:	OAN:			
Color:	Caliber:				
Body Style:	Recovered/ Seized Date: **08/19/2016**				
Owner:	Disposition: **Santee Evidence**				
Evidence Tag:	Alert(s):				
Drug Type:	Drug Quantity:				
Search Warrant:					
Notes:					

Property Item #4.000 - Methamphetamine pipe

Derivative No.: **0**	Property Category: **1997 - Drug/Narcotic PARAPHERNALIA/Equipment - Syringe, Needle, Pipe, Scale, Foil, Packaging Etc.**				
Status: **6 - Seized (Drug, Forgery/Counterfeit or Gambling Crime)**	Count: **1**	Value: **$1.00**			
Manufacturer:	Model:				
Serial No.:	Model Year:	OAN:			
Color:	Caliber:				
Body Style:	Recovered/ Seized Date: **08/18/2016**				
Owner:	Disposition: **Santee Evidence**				
Evidence Tag:	Alert(s):				
Drug Type:	Drug Quantity:				
Search Warrant:					
Notes:					

Property Item #5.000 - Green Bicycle

Derivative No.: **0**	Property Category: **3506 - Bicycle**					
Status: **SS - Safekeeping (Seized)**	Count: **1**	Value:				
Manufacturer: **Next**	Model:					
Serial No.:	Model Year:	OAN:				
Color: **Green**	Caliber:					
Body Style:	Recovered/ Seized Date: **08/18/2016**					
Owner:	Disposition: **Santee Evidence**					
Evidence Tag:	Alert(s):					
Drug Type:	Drug Quantity:					
Search Warrant:						
Notes:						

Additional Vehicle / Plate Information

License No.:	License Type:	License Year:	License State:	Number of Plates:	Registration Expiration:	Odometer Reading:
VIN: [redacted]			VIN Clear SVS?	Lic. Clear SVS?	Engine Number:	Owner's Valuation:
Vehicle Condition:			Vehicle Items:			
Vehicle Tires/Wheels						
Left Front:	Right Front:	Left Rear:	Right Rear:	Spare:	Hub Caps:	Special Wheels:
Identifying Marks, Damage, Interior (Describe Color(s). If Customized, Etc.):						
Insurance Carrier:	Policy Number:		Vehicle Payments Current?			
Vehicle Security / Anti-Theft Devices:	Towed To / Stored At:		Drivable?			
Location Towed / Recovered From:			Location Stolen From:			
Tow Company:	Tow Company Address:		Tow Company Phone:			
Storage Authority / Reason:			Release to Owner Authorized:		Agency Hold:	
Originating Agency:			Org. Agency Case Number:		Org. Agency Date of Theft:	

Reporting Officer **SH1646 - RIGGIN, JAMES**	Division / Organization **Santee Station** **SANTEE PATROL**	Reviewed By **SH2160 - MCNEILL, MICHAEL**
Report Date **8/18/2016 1:36:54 PM**	Detective Assigned **SH7516 - BEERS, WILLIAM**	Reviewed Date **08/19/2016 14:07:08**

Property Item #6.000 - Black Bicycle

Derivative No.: **0**	Property Category: **3506 - Bicycle**		
Status: **SS - Safekeeping (Seized)**	Count: **1**	Value:	
Manufacturer: **unknown**	Model:		
Serial No.:	Model Year:	OAN:	
Color:	Caliber:		
Body Style:	Recovered/ Seized Date: **08/18/2016**		
Owner:	Disposition: **Santee Evidence**		
Evidence Tag:	Alert(s):		
Drug Type:	Drug Quantity:		
Search Warrant:			
Notes:			

Additional Vehicle / Plate Information

License No.:	License Type:	License Year:	License State:	Number of Plates:	Registration Expiration:	Odometer Reading:
VIN: [redacted]			VIN Clear SVS?	Lic. Clear SVS?	Engine Number:	Owner's Valuation:
Vehicle Condition:			Vehicle Items:			

Vehicle Tires/Wheels

Left Front:	Right Front:	Left Rear:	Right Rear:	Spare:	Hub Caps:	Special Wheels:

Identifying Marks, Damage, Interior (Describe Color(s). If Customized, Etc.):			
Insurance Carrier:	Policy Number:	Vehicle Payments Current?	
Vehicle Security / Anti-Theft Devices:	Towed To / Stored At:	Drivable?	
Location Towed / Recovered From:	Location Stolen From:		
Tow Company:	Tow Company Address:	Tow Company Phone:	
Storage Authority / Reason:	Release to Owner Authorized:	Agency Hold:	
Originating Agency:	Org. Agency Case Number:	Org. Agency Date of Theft:	

Property Item #7.000 - Backpack containing misc items

Derivative No.: **0**	Property Category: **2401 - Backpack**		
Status: **SS - Safekeeping (Seized)**	Count: **1**	Value:	
Manufacturer:	Model:		
Serial No.:	Model Year:	OAN:	
Color:	Caliber:		
Body Style:	Recovered/ Seized Date: **08/18/2016**		
Owner:	Disposition: **Santee Evidence**		
Evidence Tag:	Alert(s):		
Drug Type:	Drug Quantity:		
Search Warrant:			
Notes:			

REPORT NARRATIVE

Synopsis:

Austin William Whaley was arrested for two violations of 69 PC - Violent Resisting a Peace Officer and 11364 HS - Possession of controlled substance paraphernalia. Austin actively fought with Deputies Kastelic #6333 and Rivera #0124. During the struggle, Austin actively punched and kicked Deputies Kastelic and Rivera in violation of two counts of 69 PC. During a search incident to arrest, a methamphetamine pipe was found in Austin's backpack which tested presumptively positive for amphetamines/methamphetamine in violation of 11364 HS. A records check revealed that Austin had three active misdemeanor warrants for his arrest #C355062, C355797, C356837. Deputy Kastelic sustained swelling to the left eye and lip, an abrasion to his left elbow/forearm, and a small laceration to the right hand. Deputy Rivera sustained multiple abrasions to her knees, elbows, and forearms, and bruising to her right tricep. Austin sustained a fractured right orbital bone, three lacerations requiring stitches above his right eye requiring a total of eight stitches, and abrasions to his elbows, arms, hand, shoulder, back, and knees. Austin was transported by medics to Sharp Grossmont Hospital for treatment of his injuries.

Austin was later cleared for jail by the medical staff at Sharp Grossmont Hospital, transported and booked into San Diego Central Jail (SDCJ) for 69 PC x2, 11364 HS, and warrants #C355062, #C355797, and #C356837.

Origin:

On 08-18-2016, at approximately 1020 hours, I was in full Sheriff's uniform driving a marked patrol car when I responded to a call of a "Code Cover" to the 7-11 located at 10195 Riverview Parkway in unincorporated Lakeside. (CAD #E3568537)

Background:

Austin Whaley had a history of drug and alcohol related charges.

Investigation:

At approximately 1023 hours, I arrived on scene and observed multiple Deputies struggling to hold down the suspect later identified as Austin Whaley. Austin had blood on his face and was refusing to comply with commands. I grasped Austin's left elbow with my right hand, and I grasped Austin's left hand with my left hand. I used my body weight to apply downward pressure to Austin's left arm to prevent him from causing unnecessary injuries to either himself or responding Deputies. I held continuous downward pressure for approximately thirty seconds. Austin was rolled onto his chest which caused Austin's arm to be placed underneath him. Austin initially refused to pull his left arm out from under himself. I demanded to Austin, "Give me your arm," and Austin did not comply. Deputy Kastelic struck Austin's left ribcage with his knee. Following the knee strike, Austin complied and removed his arm from under himself. Deputy Kastelic placed Austin in handcuffs and I assisted Austin to his feet in order to get him to a safe place out of the roadway for medics to evaluate his condition. The force used was necessary to

affect the arrest, prevent escape, and prevent any further injuries to responding Deputies and Austin. Had I not used the force I did, Austin or responding Deputies would have been further injured.

Medics arrived on scene and evaluated Austin's injuries. Medics on scene advised that Austin had several superficial lacerations to the head and face. Medics transported Austin to Sharp Grossmont Hospital for treatment.

I searched Austin's backpack incident to arrest and found a cylindrical glass pipe with a bulbous end wrapped in a red rag and a white rag. The interior of the pipe was coated with a white and brown burnt substance. Based on my training and experience, I recognized the pipe as a pipe commonly used by drug users to smoke controlled substances such as methamphetamine. I later tested the substance on the interior of the pipe with the 902 Marquis Reagent test kit. The substance tested presumptively positive for amphetamines/methamphetamine. Possession of the pipe was in violation of 11364 HS.

Corporal Price #5794 took digital photos of the scene and later uploaded the photos to the case URL.

Deputy Hebeler #7329 contacted witness [redacted] on scene who gave a statement. Please see Deputy Hebeler's Deputy Report for further detail regarding [redacted] statement and Deputy Hebeler's involvement into this case.

Detective Farber #9605 contacted witness [redacted] on scene who gave a statement. Please see Detective Farber's Deputy Report for further detail regarding [redacted] statement and Detective Farber's involvement into this case.

Detective Greco #7360 contacted witness [redacted] on scene who gave a statement and recorded the video of part of the incident. Please see Detective Greco's Deputy Report for further detail regarding [redacted] statement and Detective Greco's involvement into this case.

Detective Walton #0075 was assigned as the investigating detective. Detective Walton admonished Austin by reading the Miranda Admonishment. Detective Walton requested video surveillance from the 7-11 at the scene which was later picked up and placed into Santee Evidence. Please see Detective Walton's Deputy Report for details regarding his involvement into this case.

Deputy Kastelic wrote a Deputy's Report documenting his actions and involvement in this incident. I spoke with him following this incident on the afternoon of 8/18/2016. Deputy Kastelic said he had nothing to add to his Deputy's Report, so I elected to use his written report as his statement. Please see Deputy Kastelic's attached Deputy's report for details surrounding his involvement in this case.

Deputy Rivera also wrote a Deputy's Report documenting her actions and involvement in this incident. I spoke with her following this incident on the afternoon of 8/18/2016. Deputy Rivera said she had nothing to add to her Deputy's Report, so I elected to use her written report as her statement. Please see Deput Rivera's attached Deputy's Report for details surrounding her involvement in this case.

Austin was later cleared for jail by the medical staff at Sharp Grossmont Hospital, transported and booked into San Diego Central Jail (SDCJ) for 69 PC x2, 11364 HS, and warrants #C355062, #C355797 and #C356837.

I copied the photos and surveillance that was uploaded to the case URL to a DVD and submitted the DVD into Santee Evidence along with the methamphetamine pipe, and the following safekeeping items: two bicycles, one backpack. I concluded my investigation into this incident.

Evidence:

Please see attached evidence list.

Injuries:

Deputy Kastelic sustained swelling to the left eye and lip, an abrasion to his left elbow/forearm, and a small laceration to the right hand.
Deputy Rivera sustained multiple abrasions to her knees, elbows, and forearms, and bruising to her right tricep.
Austin sustained a fractured right orbital bone, two lacerations requiring stitches above his left eye, and abrasions to his elbows, arms, shoulder, back, and knees.

Property Damage:

None.

Follow-up:

None.

Related Reports:

Attached Deputy Reports from Deputies Kastelic, Rivera, Walton, Farber, Greco, Farber, Hebeler, and Riggin.

SpecimenSpecialists of America Inc.

CALL SLIP

Use Blue or Black Ink Only. Press Firmly. MILITARY TIME ONLY!

Specimen Specialists of America, Inc. **2003-A Opportunity Drive, Ste. #5** **Roseville, CA 95678** **24 hr Dispatch: 1-888-502-1098** **Fax: 1-877-514-2592**	Call Slip No. - 68858 **Phlebotomist Name:** [redacted] *First* *Last*
Phlebotomist Called - Date: 8/18/16 Time: ~~[illegible]~~ 1405	
ETA of Subject: 30 min	Location: Grossmont Hospital
Phlebotomist Arrival - Date: 8/18/16 Time: ~~1502~~ 1435	Kit #: Event/Case #: 16141936
Name of Subject: AUSTIN WHALEY	Puncture Site: L ARM
Witnessing Officer's Name: STEPHEN WALTON	I.D. No: 6075
Witnessing Officer's Signature: [signature]	Agency: SDSO
Officer: Was 30 minute time limit met by the Phlebotomist? ☐Yes ☐No Officer Initials: [initials]	
Phlebotomist Signature: [redacted]	Work Completed - Date: 8/18/16 Time:

☐ Blood Alcohol ☐ Urine Alcohol ☐ DNA ☐ Suspect Kit

☐ Blood Drug ☐ Urine Drug ☐ Dry Run ☐ Sit Down

☐ Other *(explanation required)*

Comments/ Reason 30 minutes not met: _____

White copy to Phlebotomist; Yellow copy to Officer

San Diego County Sheriff's Department
Officer Report

CAD Event No.

Case No. **16141936**

Report No. **57611**

GENERAL CASE INFORMATION

Special Studies:			Related Cases:
Location, City, State, ZIP: **10195 Riverford Rd,Lakeside, CA 92040**			Occurred On: **8/18/2016 10:20:00 AM (Thursday)**
Jurisdiction: **LAKESIDE - LAKESIDE**	Beat: **521**	Call Source:	(and Between):

INDIVIDUAL/S

Name: [redacted]			Person Code:	Interpreter Language:
ALIAS / AKA / NICKNAME / MONIKER:				
Name Type: **Alias/AKA**	First: [redacted]	Middle: [redacted]	Last: [redacted]	Suffix:
Home Address, City, State, ZIP: [redacted]		Res. Country: **US - UNITED STATES**	County Residence: **R Resident**	Undocumented:
Race: [redacted]	Sex: [redacted]	Date of Birth / Age: [redacted] - [redacted]	Height: [redacted]	Weight: [redacted]
Hair Color: [redacted]	Eye Color: [redacted]	Facial Hair: [redacted]	Complexion: [redacted]	
Employment Status: **U - Unemployed**	Occupation/Grade:	Employer/School:	Employer Address, City, State, ZIP:	

CONTACT INFORMATION

Type: **MP - Mobile Phone**	Number/Address: [redacted]

IDENTIFICATION:

Type: **DLN - Drivers License Number**	Number: [redacted]	State:	Country:
Type: **SSN - SSN**	Number: [redacted]	State:	Country:

Attire: **Pink shirt, jean shorts**	Injury:	Extent Of Treatment:	Violent Crime Circumstances:

REPORT NARRATIVE

ORIGIN:

On 8/18/16, I was assisting Deputy J. Riggin #1646 with an investigation regarding an assault on a Deputy Sheriff at 10195 Riverford Road in unincorporated Lakeside (CAD #E3568537).

INVESTIGATION:

Upon arrival, I observed Deputies in the street with a subject on the ground. I looked around and observed a white female adult watching the incident and she appeared to be crying. I contacted the female, later identified by her prior booking photographs as [redacted], and took the following statement:

Statement of [redacted] (Witness):

[redacted] stated she was riding her bicycle down the street when she observed her friend, "Austin," on the ground and two deputies on top of him. [redacted] said Austin had already given up and the female deputy kept "tasing" him. She tased him about five times. The male deputy hit Austin on the back of the head with his "billy club." Austin was not fighting the deputies and was lying there. [redacted] did not hear anything Austin or the deputies were saying.

Austin's girlfriend was at the scene but according to [redacted] left prior to other deputies arriving. His girlfriend is only known as '[redacted] [redacted] was unable to provide any further information.

INVESTIGATION CONTINUED:

I took digital photographs of [redacted] and later transferred them to Deputy Riggin. Deputies later contacted '[redacted] later identified as [redacted], and I took digital photographs of her. I transferred the photographs to Deputy Riggin. This concludes my involvement in the investigation.

EVIDENCE: See Deputy Riggin's report for details (Same case number).

Reporting Officer	Division / Organization	Reviewed By
SH7329 - HEBELER, COLIN	**ILP / ILP - Information Led Policing**	**SH3519 - RALPH, KEVIN**
Report Date	Detective Assigned	Reviewed Date
8/18/2016 11:33:00 AM	**SH7516 - BEERS, WILLIAM**	**8/23/2016 9:51:11 AM**

INJURIES: See Deputy Riggin's report for details (Same case number).

PROPERTY DAMAGE: See Deputy Riggin's report for details (Same case number).

FOLLOW-UP: See Deputy Riggin's report for details (Same case number).

RELATED REPORTS: See Deputy Riggin's report for details (Same case number).

San Diego County Sheriff's Department
Officer Report

CAD Event No. **E3568537** Case No. **16141936**

Report No. **57614**

GENERAL CASE INFORMATION

Special Studies:			Related Cases:
Location, City, State, ZIP: **10195 Riverford Rd,Lakeside, CA 92040**			Occurred On: **8/18/2016 10:20:00 AM (Thursday)**
Jurisdiction: **LAKESIDE - LAKESIDE**	Beat: **521**	Call Source:	(and Between):

INDIVIDUAL/S

Name: [redacted]		Person Code:	Interpreter Language:
ALIAS / AKA / NICKNAME / MONIKER:			
Home Address, City, State, ZIP: [redacted]		Res. Country: **US - UNITED STATES**	County Residence: **N Nonresident**
Undocumented: [redacted]			

Race: [redacted]	Sex: [redacted]	Date of Birth / Age: [redacted]	Height:	Weight:	Hair Color:	Eye Color:	Facial Hair:	Complexion:

Employment Status:	Occupation/Grade:	Employer/School:	Employer Address, City, State, ZIP:

CONTACT INFORMATION

Type: **MP - Mobile Phone**	Number/Address: [redacted]

IDENTIFICATION:

Type: **DLN - Drivers License Number**	Number: [redacted]	State: **CA - California**	Country:

Attire:	Injury:	Extent Of Treatment:	Violent Crime Circumstances:

REPORT NARRATIVE

ORIGIN:

On 8/18/16, at 1020 hours, I responded to a call of "Code Cover" at Riverford Road and Riverview Road in Lakeside.

DEPUTY'S OBSERVATIONS AND ACTIONS:

I departed the Lakeside Substation and activated my marked Sheriff vehicle 's emergency lights and siren. I drove to the 7-Eleven located at 10195 Riverford Road in Lakeside.

I arrived at about 1022 hours. Several deputies arrived immediately after me. I saw a shirtless white male adult covered in tattoos laying on the pavement, blocking the roadway of the westbound lane of Riverview Road, in front of the south facing driveway opening. Deputy Rivera and Deputy Kastelic were above the suspect, holding him down by his arms and legs. The suspect's face was covered in blood. I could see a conducted energy device (CED) probe hanging from the suspect's back, and I saw a yellow CED device laying in the street near them.

I saw a white female with blonde hair, about [redacted] years old, standing behind the deputies saying, "Please don't hurt him." I saw a white male in his twenties nearby video recording part of the incident with a cell phone. I saw a white male in a black t-shirt, who later identified himself as [redacted], also standing on the sidewalk behind the deputies. I saw a green bicycle with deer antlers on the handlebars laying in the 7-Eleven parking lot, about 20 yards from the deputies and suspect. I saw a yellow bicycle propped against a pole further away, near the corner of the intersection of Riverford and Riverview.

Deputy Kastelic asked deputies to put gloves on and assist in rolling the suspect from his back, onto his stomach so he could place him into handcuffs. I heard the suspect say, "Don't worry, I'm not going to fight anymore." The suspect was placed into handcuffs without further incident. I requested an ambulance through dispatch.

At 1030 hours, I spoke to witness [redacted] who provided me with essentially the following audio recorded statement.

STATEMENT of [redacted] (Witness):

[redacted] said he was driving by when he saw two officers "rolling around" with the male they currently had detained in handcuffs. said the suspect was "kicking and fighting back." [redacted] said the suspect's girlfriend kept intervening which was distracting

Reporting Officer	Division / Organization	Reviewed By
SH9605 - FARBER, PATRICK	**LAK_DET / LAK - Lakeside Substation**	**SH2160 - MCNEILL, MICHAEL**
Report Date **8/18/2016 12:04:14 PM**	Detective Assigned **SH7516 - BEERS, WILLIAM**	Reviewed Date **8/18/2016 3:42:19 PM**

the female officer. [redacted] said the female came within "feet" of the deputies and was saying something and wouldn't stop. [redacted] said the female then "took off."

He described the female as a tan white female with a round hat and dark blue or black long shirt.

When asked what actions he saw, [redacted] said he saw the male was "kicking and fighting and not wanting to give up his arms." [redacted] said the deputies were trying to handcuff the suspect and were telling the suspect, "Give us your wrist. Give us your arm." [redacted] continued, "And the suspect was fighting the whole time."

I asked what other things he heard the deputies say. [redacted] replied, "They did a lot of warnings before they did the Taser gun…They said were going to shoot it again, give up. Give us your ankles. Give us your wrists. Stop fighting. Stop fighting." I asked if he saw the deputies deploy a Taser. [redacted] replied, "Yeah, one on the leg once." I asked him if the Taser worked. [redacted] replied, "It worked, but he kept fighting the officers. He was not being cooperative."

I asked if he saw any strikes between anyone. [redacted] said the suspect kept kicking the deputies and he saw the deputies "give a couple wacks to the head." [redacted] said it was quite a struggle and the deputies were doing what they could just to get him down and keep him down. The suspect was doing everything he could to get loose.

I asked if there was anything excessive about what the deputies did. [redacted] replied, "No. He wouldn't stop. No matter what they did, he kept going." [redacted] added that when he arrived, deputies asked him to keep the female companion of the suspect away. [redacted] had no further information.

I released [redacted] from the scene. Deputy Hemphill asked me to assist him in contacting a female who fled and was the companion to the male suspect. I drove about 100 yards north to a nearby mechanic shop. I saw Deputy Hemphill speaking to a tan white female adult in the parking lot. I heard the female admitting that she was a witness to the incident. See Deputy Hemphill's report for further details. Deputy Hemphill interviewed the female and released her from the scene.

I drove to the Lakeside Substation. I attached the audio recording to the case and concluded my participation with the investigation.

San Diego County Sheriff's Department
Officer Report

CAD Event No. **E3568537** Case No. **16141936**

Report No. **57663**

GENERAL CASE INFORMATION

Special Studies:			Related Cases:
Location, City, State, ZIP: **10195 Riverford Rd,Lakeside, CA 92040**			Occurred On: **8/18/2016 10:20:00 AM (Thursday)**
Jurisdiction: **LAKESIDE - LAKESIDE**	Beat: **521**	Call Source:	(and Between):

INDIVIDUAL/S

Name: [redacted]		Person Code:	Interpreter Language:
ALIAS / AKA / NICKNAME / MONIKER:			
Home Address, City, State, ZIP: [redacted]		Res. Country: **US - UNITED STATES**	County Residence: **R Resident**
Undocumented:			

Race:	Sex:	Date of Birth / Age:	Height:	Weight:	Hair Color:	Eye Color:	Facial Hair:	Complexion:
[redacted]	[redacted]	[redacted] - [redacted]	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]

Employment Status: **E - Employed**	Occupation/Grade:	Employer/School:	Employer Address, City, State, ZIP:

CONTACT INFORMATION

Type: **MP - Mobile Phone**	Number/Address: [redacted]

IDENTIFICATION:

Attire:	Injury:	Extent Of Treatment:	Violent Crime Circumstances:

REPORT NARRATIVE

ORIGIN:

On 08/19/16, I heard Deputy Kastelic broadcast over the radio that he was involved in a fight with a suspect near Riverside Dr and Riverford Rd in Lakeside. I responded to the scene (CAD# E3568537).

DEPUTY'S OBSERVATIONS AND ACTIONS:

Upon arrival at the scene the suspect, Austin Whaley was detained. I contacted a potential witness who was standing nearby who identified himself as [redacted]. [redacted] provided me with the following statement:

STATEMENTS:

Statement of [redacted] (Witness):

[redacted] told me he was pumping gas at the gas station when he saw "two tweakers" who he said were clearly drug addicts loitering near the bushes. [redacted] pointed at Whaley stating Whaley was the male who was loitering and the other was a white female wearing work out clothing. [redacted] said Whaley was acting suspicious and was rummaging through a backpack. [redacted] believed the two were up to something. [redacted] then saw a Sheriff's Patrol Car nearby and [redacted] alerted the deputies that they needed to take a look at the couple. [redacted] said the deputies seemed to understand him and exited their patrol car. When the deputies contacted the two Whaley said "I might have a warrant". [redacted] said the male deputy attempted to grab Whaley, but Whaley attempted to flee on his bike. [redacted] said the male deputy tackled Whaley and Whaley was trying to punch, kick, flail and resist the deputies. [redacted] said all the guy had to do was lay down and stop fighting with the deputies. [redacted] said it was a serious struggle. [redacted] said he has video of the incident. [redacted] said the video was too large to text but he could email me a link to the video. I requested that [redacted] do so and he later emailed me a link of the video which was later placed in this case's URL. Deputy Riggin later transferred the video to DVD format and logged it into evidence at the Santee Station.

This concluded my investigation.

RELATED REPORTS:

See Arrest Report (CN: 16141936).

Reporting Officer	Division / Organization	Reviewed By
SH7360 - GRECO, GREG	**SPS_DET / SPS - Santee Station**	**SH2160 - MCNEILL, MICHAEL**
Report Date	Detective Assigned	Reviewed Date
8/19/2016 9:54:40 AM	**SH7516 - BEERS, WILLIAM**	**8/19/2016 2:06:41 PM**

San Diego County Sheriff's Department
Officer Report

CAD Event No. **E3568537**

Case No. **16141936**

Report No. **57662**

GENERAL CASE INFORMATION

Special Studies:			Related Cases:
Location, City, State, ZIP: **10195 Riverford Rd,Lakeside, CA 92040**			Occurred On: **8/18/2016 10:20:00 AM (Thursday)**
Jurisdiction: **LAKESIDE - LAKESIDE**	Beat: **521**	Call Source:	(and Between):

INDIVIDUAL/S

Name: **Whaley, Austin William**							Person Code:		Interpreter Language:
ALIAS / AKA / NICKNAME / MONIKER:									
Home Address, City, State, ZIP: [redacted]					Res. Country: **US - UNITED STATES**		County Residence: **N Nonresident**		Undocumented:
Race: **W**	Sex: **M**	Date of Birth / Age: [redacted] **- 31**	Height: **6' 0"**	Weight: **150 lbs**	Hair Color: **BRO**	Eye Color: **HAZ**	Facial Hair: **07 - Scraggly Beard**		Complexion: **TAN - Tanned**
Employment Status: **U - Unemployed**		Occupation/Grade:		Employer/School:			Employer Address, City, State, ZIP:		
CONTACT INFORMATION									
IDENTIFICATION:									
Type: **DLN - Drivers License Number**		Number: [redacted]			State: **CA - California**		Country:		
Type: **SSN - SSN**		Number: [redacted]			State:		Country:		
Attire:		Injury:			Extent Of Treatment:		Violent Crime Circumstances:		

REPORT NARRATIVE

ORIGIN:

On 8/18/16, at 1020 hours, I responded to a call of "Code Cover" at Riverford Road and Riverview Road in Lakeside.

DEPUTY'S OBSERVATIONS AND ACTIONS:

I arrived and noticed a male later identified as Austin Whaley sitting on the curb, bloody and handcuffed. I determined that Whaley was the only suspect and assisted with the investigation into him assaulting two uniformed Deputy Sheriff's.

I noticed that the assault occurred near the gas pumps of the 7-Eleven. I went inside and reviewed their video footage that shows the parking lot near the gas pumps. On the video a male identified as Whaley and a female later identified as [redacted] are loitering near a white SUV at the gas pumps. After a couple of minutes a marked Sheriff's Patrol vehicle pulls up and Deputies Kastelic and Rivera get out and contact Whaley and [redacted] After a few seconds Whaley turns his bike away from the Deputies and starts to ride away. Deputy Kastelic chases after Whaley and after a few feet it appears Deputy Kastelic is able to grab the bike, causing Whaley to fall off. Whaley then starts running away off camera view with Deputies Kastelic and Rivera running after him. I obtained a copy of the video and later submitted it into evidence at the Santee Station.

I later went to Grossmont Hospital to interview Whaley and take photographs of his injuries. I spoke to Whaley and advised him of "Miranda Rights" and when I asked him if he understood his rights he said "Yes". I then asked Whaley if he was willing to speak with me and he said "Well I do". The following statement was recorded at Grossmont Hospital in the Emergency Room. The following is not verbatim, for full statement see DVD which has been logged into evidence at the Santee Station.

STATEMENTS:

Statement of Austin Whaley (Suspect):

Whaley said he had just arrived at the gas station because he had a flat tire on his bike. The Deputy pulled up and asked him if he was loitering. Whaley answered "No sir" and started to turn away. The Deputy asked if Whaley had any warrants. Whaley responded that he might have one as he was turning the bike around and the Deputy then came at him and started "Wailing ". Whaley didn't understand and that's why he started resisting. Whaley wanted the Deputy to stop and talk to him.

Reporting Officer	Division / Organization	Reviewed By
SH0075 - WALTON, STEPHEN	**SPS_DET / SPS - Santee Station**	**SH0413 - KATRA, CHRIS**
Report Date	Detective Assigned	Reviewed Date
8/19/2016 9:09:09 AM	**SH7516 - BEERS, WILLIAM**	**8/27/2016 2:29:45 AM**

Whaley said he was never told he was being detained. Whaley repeated again he just wanted the Deputy to stop and talk to him. Whaley then said he got a foot to the back of the head and was bleeding. Whaley denied that Deputies asked him if he had a warrant. Whaley then changed his statement and said he might after Deputies asked him if he had warrants after they asked him about loitering. Whaley claims he was already riding his bike away from Deputies and wasn't trying to flee from them. Whaley agrees with the events during the initial contact at the pumps after I confronted him about the video footage showing him talking with the Deputies and then suddenly fleeing away from them on his bike until he is pulled off.

Whaley said after the Deputy grabbed him he was not resisting he was trying to get the Deputy to talk with him. Whaley said he was not resisting after Deputies told him to stop resisting and that he just wanted to understand what was happening since there was blood and head smashing. Whaley doesn't know why he was resisting and didn't think he was. Whaley never heard the Deputies giving him commands to stop resisting. Whaley claims he was not trying to hurt the Deputies that he just wanted to understand why this was happening to him. Whaley said he was unaware of how the incident took place and apologizes for it. Whaley again claims he didn't know he was being detained and that he was not loitering. Whaley continued to act confused and appeared to be under the influence of a controlled substance. Whaley admitted to smoking methamphetamine around seven or eight in the morning. Whaley believes his lack of remembering events is a direct effect of him using methamphetamine. If he hadn't used methamphetamine Whaley believes he would have never been in this situation. Whaley again states if the Deputies would have just told him what was going on it would have never happened. Whaley didn't understand why the Deputies were talking with him and just wanted the beatings to stop. Whaley was very adamant that he was not trying to harm any of the Deputies. Whaley believes he could have gotten away from the Deputies if he really wanted to and could have done some "Damage" if he really wanted to. Whaley knew that the two people who contacted him were Deputy Sheriff's and understood their authority and referred to them as officers of the law. Whaley concluded his statement by saying he was just confused. Whaley had no further information.

INVESTIGATION CONT:

After a couple of hours sitting with Whaley waiting for him to get cleared from the hospital he started to speak to me and describe what happened after he was taken to the ground. Whaley said he was resisting the Deputies because he was in so much pain from them pulling his head one way and his body another. Whaley said he couldn't breathe while being choked and was in a lot of pain from getting "tased". Whaley apologized for his actions and said he was just scared.

I ordered a blood draw due to Whaley admitting he had used methamphetamine earlier in the day and displaying preliminary signs and symptoms of being under the influence of a controlled substance. Whaley gave me verbal consent to have blood drawn. Phlebotomist [redacted] arrived and drew two vials of blood from his Whaley's left arm. The two vials of blood were later logged into evidence at the Santee Station.

After hospital staff cleaned Whaley's injuries I took several photographs and later logged them into evidence at the Santee Station.

San Diego County Sheriff's Department
Officer Report

CAD Event No. **E3568537** Case No. **16141936**

Report No. **57760**

GENERAL CASE INFORMATION

Special Studies:			Related Cases:
Location, City, State, ZIP: **10195 Riverford Rd,Lakeside, CA 92040**			Occurred On: **8/18/2016 10:20:00 AM (Thursday)**
Jurisdiction: **Santee Uninc - SANTEE**	Beat: **521**	Call Source:	(and Between):

INDIVIDUAL/S

Name: [redacted]		Person Code:	Interpreter Language:
ALIAS / AKA / NICKNAME / MONIKER:			
Home Address, City, State, ZIP: [redacted]		Res. Country: **US - UNITED STATES**	County Residence: **R Resident**
Undocumented:			

Race:	Sex:	Date of Birth / Age:	Height:	Weight:	Hair Color:	Eye Color:	Facial Hair:	Complexion:
[redacted]	[redacted]	[redacted] - [redacted]	[redacted]	[redacted]	[redacted]	[redacted]		

Employment Status:	Occupation/Grade:	Employer/School:	Employer Address, City, State, ZIP:

CONTACT INFORMATION

Type: **MP - Mobile Phone**	Number/Address: [redacted]

IDENTIFICATION:

Type: **DLN - Drivers License Number**	Number: [redacted]	State: **CA - California**	Country:

Attire:	Injury:	Extent Of Treatment:	Violent Crime Circumstances:

REPORT NARRATIVE

ORIGIN:
On 08/19/16, I heard a deputy broadcast over the radio a request for emergency cover near Riverside Dr and Riverford Rd in Lakeside. I responded to the scene (CAD# E3568537).

DEPUTY'S OBSERVATIONS AND ACTIONS:
Upon arrival at the scene the suspect, Austin Whaley was detained. I contacted a potential witness who was standing nearby who identified herself as [redacted]. [redacted] provided me with the following paraphrased statement:

STATEMENTS:

Statement of [redacted] (Witness):
[redacted] was getting gas for her vehicle when she observed a male and female talking near the bushes. [redacted] saw a Sheriff Deputy car arrive and she heard the female, tell the male, "Cops are here." The male quickly began stuffing some of his property into a backpack. Two deputies approached the male and female. [redacted] heard the male deputy ask if the couple had any warrants. [redacted] heard the male say, "Maybe." The male then quickly started running away from the deputies and tried to get onto his bike towards the street. The male deputy grabbed the male, later identified as Austin Whaley. The male deputy and Whaley fell to the ground.

The deputies attempted to gain control of Whaley but he was "resisting arrest." Whaley was rolling around on the ground, trying to stand up and tried to pull his hands away from the deputies. The deputies kept ordering Whaley to "stop resisting" and "put your hands behind your back." At no time did Whaley lie on the ground or put his hands behind his back. Whaley's girlfriend was yelling at the deputies to stop fighting Whaley, but Whaley kept pulling his arms away from the deputies. Whaley's girlfriend then ran away from the location.

DEPUTY'S OBSERVATIONS AND ACTIONS:
Detective Walton and I then responded to Grossmont Hospital, where Detective Walton interviewed Whaley.

This concluded my investigation.

RELATED REPORTS:

Reporting Officer **SH6013 - WILSON, JACOB**	Division / Organization **SPS_DET / SPS - Santee Station**	Reviewed By **SH0413 - KATRA, CHRIS**
Report Date **8/22/2016 8:54:43 AM**	Detective Assigned **SH7516 - BEERS, WILLIAM**	Reviewed Date **8/27/2016 2:22:35 AM**

See Arrest Report (CN: 16141936).

San Diego County Sheriff's Department
Evidence Report

Case No: **16141936**

Evidence Sheet No: **001**

1

GENERAL CASE INFORMATION

REPORTING AGENCY: **SH - Sheriff**				
CALL FOR SERVICE NUMBER (CAD): **E3568537**	OFFENSE TYPE: **69 - PC - OBSTRUCT/RESIST EXECUTIVE OFCR BY FORCE (F)**	DIVISION: **SPS - Santee Station**	BILLING CODE: **SDSO - SD Sheriff's Office**	SEARCH WARRANT NUMBER:
DATE OF INCIDENT: **8/18/2016**	INCIDENT LOCATION (CITY, STATE, ZIP): **10195 RIVERFORD ROAD, LAKESIDE**			KEY CASE NUMBER:
REPORTING OFFICER: **SH1646 - RIGGIN, JAMES**		ID: **SH1646**	DIVISION: **Santee Station**	
ASSIGNED DETECTIVE: **SH7516 - BEERS, WILLIAM**		ID: **SH7516**	DIVISION: **Santee Station**	

OUTSIDE AGENCY

OA CASE NUMBER:	AGENCY NAME:	ASSIGNED DETECTIVE:	CONTACT PHONE
	AGENCY ADDRESS (CITY, STATE, ZIP):		

INVOLVED PEOPLE

AFFILIATION:	NAME (Last, First, Middle):	DOB:	AGE:	SEX:	RACE:
SUS3	**WHALEY, AUSTIN WILLIAM**	[redacted]	**31**	**M - Male**	
	HOME ADDRESS (CITY, STATE, ZIP): [redacted]		HOME PHONE:		
VIC1	**RIVERA, N**	**1/11/1900**	**116**	**F - Female**	
	HOME ADDRESS (CITY, STATE, ZIP): **8811 Cuyamaca Street SANTEE, CA 92071**		HOME PHONE:		
VIC2	**KASTELIC, R**	**1/11/1900**	**116**	**M - Male**	
	HOME ADDRESS (CITY, STATE, ZIP): **8811 Cuyamaca Street SANTEE, CA 92071**		HOME PHONE:		

EVIDENCE INFORMATION SECTION

FIN	OA Item/TAG #	PROPERTY DESCRIPTION:		
1.1		**BLOOD SAMPLE (WHALEY, AUSTIN)**		
VALUE:	QUANTITY:	MAKE / MANUFACTURER:	MODEL:	
	0			
CALIBER:	SERIAL NUMBER:	PROPERTY TYPE:		
		3311 - Biological - Liquid Blood - in tube or vial		
PROPERTY STATUS:			SEARCH WARRANT:	
ES - Evidence (Seized)				
PROPERTY DISPOSITION:			DATE/TIME RECVRD / SEIZED:	CSI / PFIN
Disposed			**8/18/2016**	
DRUG TYPE:		DRUG QUANTITY:		DRUG MEASURE:

I1793126

NOTES:

FIN	OA Item/TAG #	PROPERTY DESCRIPTION:		
1.2		**COMPACT DISK (7-ELEVEN VIDEO FOOTAGE)**		
VALUE:	QUANTITY:	MAKE / MANUFACTURER:	MODEL:	
	1			
CALIBER:	SERIAL NUMBER:	PROPERTY TYPE:		
		1302 - Compact Disc Player		
PROPERTY STATUS:			SEARCH WARRANT:	
ES - Evidence (Seized)				
PROPERTY DISPOSITION:			DATE/TIME RECVRD / SEIZED:	CSI / PFIN
Stored			**8/19/2016**	
DRUG TYPE:		DRUG QUANTITY:		DRUG MEASURE:

I1793127

NOTES:

For lab service requests, the crime laboratory will select the best items from the submitted evidence and the most appropriate test methods

FIN	OA Item/TAG #	PROPERTY DESCRIPTION:
1.3		DVD VIDEO (DVD CONTAINING SURVEILLANCE AND PHOTOS)

VALUE:	QUANTITY:	MAKE / MANUFACTURER:	MODEL:
	1		

CALIBER:	SERIAL NUMBER:	PROPERTY TYPE:
		1306 - Recording - non Interview - Music/Video/Photo CD, DVD, Tape, Film, Digital storage, Negative

PROPERTY STATUS:	SEARCH WARRANT:
ES - Evidence (Seized)	

PROPERTY DISPOSITION:	DATE/TIME RECVRD / SEIZED:	CSI	PFIN
Stored	8/19/2016		

DRUG TYPE:	DRUG QUANTITY:	DRUG MEASURE:

NOTES:

FIN	OA Item/TAG #	PROPERTY DESCRIPTION:
1.4		DRUG PARAPHERNALIA (METHAMPHETAMINE PIPE)

VALUE:	QUANTITY:	MAKE / MANUFACTURER:	MODEL:
	1		

CALIBER:	SERIAL NUMBER:	PROPERTY TYPE:
		1997 - Drug/Narcotic PARAPHERNALIA/Equipment - Syringe, Needle, Pipe, Packaging etc.

PROPERTY STATUS:	SEARCH WARRANT:
ES - Evidence (Seized)	

PROPERTY DISPOSITION:	DATE/TIME RECVRD / SEIZED:	CSI	PFIN
Stored	8/18/2016		

DRUG TYPE:	DRUG QUANTITY:	DRUG MEASURE:

NOTES:

FIN	OA Item/TAG #	PROPERTY DESCRIPTION:
1.5		BICYCLE (GREEN BICYCLE)

VALUE:	QUANTITY:	MAKE / MANUFACTURER:	MODEL:
	0	UNK - UNKNOWN	

CALIBER:	SERIAL NUMBER:	PROPERTY TYPE:
	[redacted]	3506 - Bicycle

PROPERTY STATUS:	SEARCH WARRANT:
ES - Evidence (Seized)	

PROPERTY DISPOSITION:	DATE/TIME RECVRD / SEIZED:	CSI	PFIN
Disposed	8/18/2016		

DRUG TYPE:	DRUG QUANTITY:	DRUG MEASURE:

NOTES:

FIN	OA Item/TAG #	PROPERTY DESCRIPTION:
1.6		BICYCLE (BLACK BICYCLE - SAFEKEEPING)

VALUE:	QUANTITY:	MAKE / MANUFACTURER:	MODEL:
	0	UNK - UNKNOWN	

CALIBER:	SERIAL NUMBER:	PROPERTY TYPE:
	[redacted]	3506 - Bicycle

PROPERTY STATUS:	SEARCH WARRANT:
SS - Safekeeping (Seized)	

PROPERTY DISPOSITION:	DATE/TIME RECVRD / SEIZED:	CSI	PFIN
Disposed	8/18/2016		

RELATED PERSON:	RELATION TYPE:	FWTC:
WHALEY, AUSTIN WILLIAM	CO - Current Owner	

DRUG TYPE:	DRUG QUANTITY:	DRUG MEASURE:

NOTES:

Data Conversion resolved Safekeeping Owner as [SUS] from Affiliate table as RTO person from History.

For lab service requests, the crime laboratory will select the best items from the submitted evidence and the most appropriate test methods

San Diego County Sheriff's Department
Evidence Report

Case No: **16141936**

Evidence Sheet No: **001**

3

FIN	OA Item/TAG #	PROPERTY DESCRIPTION:
1.7		**BACKPACK CONTAINING MISC ITEMS (SAFEKEEPING)**

VALUE:	QUANTITY:	MAKE / MANUFACTURER:	MODEL:
	0		

CALIBER:	SERIAL NUMBER:	PROPERTY TYPE:
		2498 - Misc Household Goods

PROPERTY STATUS:	SEARCH WARRANT:
SS - Safekeeping (Seized)	

PROPERTY DISPOSITION:	DATE/TIME RECVRD / SEIZED:	CSI	PFIN
Disposed	**8/18/2016**		

RELATED PERSON:	RELATION TYPE:	FWTC:
WHALEY, AUSTIN WILLIAM	**CO - Current Owner**	

DRUG TYPE:	DRUG QUANTITY:	DRUG MEASURE:

NOTES:

Data Conversion resolved Safekeeping Owner as [SUS] from Affiliate table as RTO person from History.

For lab service requests, the crime laboratory will select the best items from the submitted evidence and the most appropriate test methods

San Diego County
SHERIFF'S DEPARTMENT

SAFEKEEPING PROPERTY NOTIFICATION AND RELEASE FORM

CASE NUMBER: 1614936

NAME: WHALEY, AUSTIN WILLIAM
ADDRESS: [redacted]
CITY/STATE/ZIP:

Your property is being held for safekeeping. To have it returned, you must contact the station or facility indicated below Monday thru Friday, 8 AM thru 5 PM, to schedule an appointment for release. The property will only be released to the above named individual with this form and valid picture identification. If you are in custody and need to send someone on your behalf, a completed form J-54 Outgoing Property Receipt must accompany this form. **Failure to claim this property within 60 days will result in disposal according to law per Civil Code 2080.10.** If you are in custody, you may write the Property & Evidence Unit at the address listed below to request an additional 10 months of safekeeping. The request must be received within 60 days from the date of this notice.

PROPERTY LIST	
BARCODE IDENTIFIER	ITEM DESCRIPTION
1	BACKPACK WITH MISC ITEMS, NONE OF VALUE
2	BICYCLES

SHERIFF'S STATION / FACILITY	ADDRESS	PHONE
☐ Alpine Station	2751 Alpine Blvd, Alpine	(619) 659-2600
☐ Encinitas Station	175 N. El Camino Real, Encinitas	(760) 966-3500
☐ Imperial Beach Station	845 Imperial Beach Blvd., Imperial Beach	(619) 498-2400
☐ Lemon Grove Station	3240 Main Street, Lemon Grove	(619) 337-2000
☐ Poway Station	13100 Bowron Road, Poway	(858) 513-2800
☐ Property & Evidence Unit	5255 Mount Etna Drive, San Diego 92115	(858) 467-4464
☐ San Marcos Station	182 Santar Place, San Marcos	(760) 510-5200
☑ Santee Station	8811 Cuyamaca Street, Santee	(619) 956-4000
☐ Vista Station	325 South Melrose, Vista	(760) 940-4551
☐ Other:		

I have read this notice and understand how to claim my property: Signature: REFUSED @ HOSP Date: _____

Note: Do NOT use this form for firearm confiscation or for illegal and contraband items.

Signature of deputy authorizing release: J RIGGIN ARJIS: 1646 Date: 8/18/16

Property received by:	**Property released by:**
Signature: _____	Signature: _____ ARJIS: _____
Identification: _____	Date: _____ Time: _____

EVID-7 REV 1/09

Distribution: Original: Property & Evidence Unit; Yellow: Station Copy; Pink: Claimant

San Diego County Sheriff's Department
Use of Force Supplemental

UFO DATE AND TIME	EVENT NUMBER	CASE NUMBER	DOCUMENT NUMBER	STATION/FACILITY
8/18/2016 10:20	E3568537	16141936	57627	SPS - Santee Station

INCIDENT DESCRIPTION / OFFENSES
PC 69

SUBJECT'S NAME (LAST, FIRST, MI)	DATE OF BIRTH	ARRESTED	SUPERVISOR PRESENT	DATE/TIME SUPERVISOR NOTIFIED
Whaley, Austin William	[redacted]	[X] Yes [ ] No	[X] Yes [ ] No	08/18/2016 10:25

REASON(S) FOR USING FORCE:
- [X] Necessary to effect an arrest
- [X] Necessary to defend self or another
- [X] Necessary to prevent escape/evasion
- [X] Necessary to effect a lawful detention
- [X] Necessary to prevent a violent forcible felony
- [ ] Necessary to restrain for subject's safety
- [ ] Necessary during high-risk incident
- [ ] Necessary during riot
- [ ] Delaying Jail Operations

SUBJECT APPEARED TO BE
[X] Under the influence of alcohol and/or drugs [ ] Mentally impaired

NUMBER OF OFFICERS ON SCENE: 7

NUMBER OF OFFICERS USING FORCE: 3

LEVEL(S) OF RESISTANCE ENCOUNTERED
- [ ] NONE (subject cooperated/complied)
- [ ] PSYCHOLOGICAL INTIMIDATION (non-verbal cues indicating subject's attitude or physical readiness to resist)
- [ ] VERBAL NON-COMPLIANCE (subject's expressed unwillingness to comply with the officer's commands)
- [ ] PASSIVE RESISTANCE (represents by a refusal to respond to verbal commands but also offers no form of physical resistance)
- [X] ACTIVE RESISTANCE (pushing, pulling or running away from the officer to avoid control; not attempting to harm the officer)
- [X] ASSAULTIVE BEHAVIOR (physical actions of assault)
- [ ] AGGRAVATED ACTIVE AGGRESSION (potential injury or death)

LAW ENFORCEMENT TOOL/TECHNIQUE USED TO GAIN COMPLIANCE OR OVERCOME RESISTANCE (CHECK ALL THAT APPLY)

[X] **Verbal Commands:** "HEY STOP", "STOP", "STOP FIGHTING", "STOP OR YOU'RE GONNA GET HIT AGAIN"

[X] **Empty Hand Control**
- [X] Grab, Push, Pull, or Body Weight
- [ ] Control Hold (Duration:)
- [ ] Pressure Point (Duration:) (# of Contacts:)
- [X] Strike (Body part used: FACE) (# of Contacts: 9)
- [ ] Takedown Type:
- [ ] Carotid (Rendered Unconscious? [ ] Yes [ ] No) (Duration:)

[X] **Tool/Device/Weapon**
- [ ] OC Agent (Duration:) (# of Contacts:)
  - [ ] Decontaminated [ ] Yes [ ] No
- [ ] Cord Cuff Restraint Device (Duration:)
- [X] Impact Weapon (# of Contacts: 5)
  - Type: EXPANDABLE BATON
- [ ] Canine (Duration:) (# of Contacts:)
- [ ] Vehicle/Forcible Stop
- [ ] Weapon Pointed at Subject (Duration:)
  - Type:
- [ ] Spit Sock (Duration:)
- [ ] Pro-Straint Chair
- [ ] Tactical Shield
- [ ] WRAP

[X] **Less-Lethal Weapon System**

	Discharges	Number of	Target
[ ] PepperBall - OC Powder			
[ ] PepperBall - Water			
[ ] 37 mm Rifle - Standard			
[ ] 37 mm Rifle - Low Energy			
[ ] 40 mm Rifle - Bean Bag			
[ ] 40 mm Rifle - Sponge			
[X] Taser - Probes	1	1	DIRECT
[ ] Taser - Drive Stuns			
[ ] Stingball Grenade			
[ ] Sound/Light device			
[ ] 12-Gauge Super Sock			
[ ] Ultron/NOVA Shield			
[ ] REACT Belt			
[ ] **Firearm** Type:			
[ ] **Other:**			

WAS INITIAL USE OF FORCE EFFECTIVE? [ ] Yes [X] No

WAS ADDITIONAL CONTROL OR FORCE NEEDED? [X] Yes [ ] No

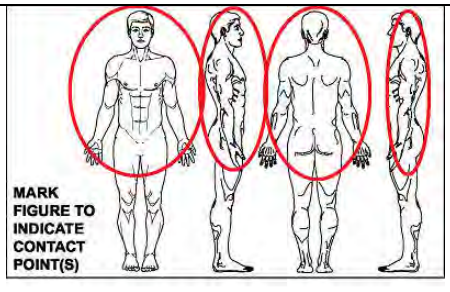
SUBJECT INJURED	EXTENT OF TREATMENT	OFFICER(S) INJURED	EXTENT OF TREATMENT
[X] Yes [ ] No	[ ] None [ ] Treated at hospital [ ] Treated at scene [X] Hospitalized [ ] Refused treatment	[X] Yes [ ] No	[ ] None [ ] Treated at hospital [X] Treated at scene [ ] Hospitalized [ ] Refused treatment

SUBJECT INJURY DESCRIPTION

OFFICER INJURY DESCRIPTION

OTHER FORCE USED/COMMENTS/EQUIPMENT PERFORMANCE:

		ARJIS	DATE
SERGEANT			
LIEUTENANT			
CAPTAIN			



San Diego County Sheriff's Department
Use of Force Supplemental

Use of Force Supplemental Instructions

Lines 1 & 3: Fill in the blanks.

Line 2: If the suspect was committing a crime and force was used to stop or apprehend the subject, document the appropriate penal code. If the UOF occurred in the performance of the officer's duties, document the incident description, i.e. officer transport, officer escort, making arrest, detaining suspect, cell extraction etc.

Primary Reason for Using Force: Check appropriate box(s).

Subject Appeared To Be: Check if applicable.

Number of Officers on Scene: List number of officers present.

Number of Officers Using Force: List number of officers that used force.

Level(s) of Resistance Encountered: Check appropriate box(s).

L.E. Tool/Technique Used: Check appropriate box(s). If known and/or applicable, include duration (approximate length of time) tool/technique was used. If known and/or applicable, include the number of contacts (approximate number of strikes, impacts, etc.) when requested on form.

Was Initial Use of Force Effective? If initial force used was effective, check "Yes." If initial force used was ineffective and additional force was necessary, check "No."

Was Additional Control or Force Needed: If initial force used was ineffective and additional force was necessary, check "Yes." If initial force used was effective, check "No."

Target Distance: If applicable (refers primarily to less lethal weapon systems), approximate distance or provide range (i.e. 7-15 feet, 15-20 yards, etc.) from subject during application of force.

Subject Injured: Check "Yes" if medically treated for injury sustained as a possible result of force applied by a officer(s) – does not include previous injuries suffered prior to officer contact. Check "No" if subject was not injured or simply complains of injury/pain suffered as a result of force applied by an officer(s) and refuses medical attention. Any complaints of pain shall be documented in the use of force report narrative (whenever any physical force used by a officer results in a complaint of injury or an injury that necessitates medical treatment of a subject, a supervisor will be notified immediately).

Extent of Treatment: Check appropriate box. Check none if subject was evaluated and no treatment was required. Specifically, check "Treated at Scene" if subject was treated at scene by EMS for injuries that may have resulted due to force applied by officer(s). Check "Treated at Hospital" if subject was transported to hospital for treatment of injuries that may have been sustained as an apparent result of force applied by officer(s). Check "Hospitalized" if subject was admitted to the Hospital as a result of injuries that were sustained as a result of force applied by officer(s).

Officer Injured: Check appropriate box (see above).

Extent of Treatment: Check appropriate box. Check none if officer was evaluated and no treatment was required. Specifically, check "Treated at Scene" if officer was treated at scene by EMS for injuries. Check "Treated at Hospital" if officer was transported to hospital for treatment of injuries. Check "Hospitalized" if officer was admitted to the Hospital as a result of injuries.

Other Force Used/Comments/Equipment Performance: This section can be used to document other force options not listed on the form; relevant comments about the incident such as complaints of pain/injury (room permitting) and negative/positive comments regarding equipment performance.

Mark Figure to Indicate Contact Points: When applicable, mark the areas on the figure where applied force contacted the subject's body.

Sergeant: Sign, list ARJIS number and date reviewed.

Lieutenant: Sign, list ARJIS number and date reviewed.

Captain: Sign, list ARJIS number and date reviewed.

San Diego County Sheriff's Department
Use of Force Supplemental

UFO DATE AND TIME	EVENT NUMBER	CASE NUMBER	DOCUMENT NUMBER	STATION/FACILITY
8/18/2016 10:20	E3568537	16141936	57630	SPS - Santee Station

INCIDENT DESCRIPTION / OFFENSES
PC 69

SUBJECT'S NAME (LAST, FIRST, MI)	DATE OF BIRTH	ARRESTED	SUPERVISOR PRESENT	DATE/TIME SUPERVISOR NOTIFIED
Whaley, Austin William	[redacted]	[X] Yes [ ] No	[X] Yes [ ] No	08/18/2016 10:25

REASON(S) FOR USING FORCE:
- [X] Necessary to effect an arrest
- [X] Necessary to defend self or another
- [X] Necessary to prevent escape/evasion
- [X] Necessary to effect a lawful detention
- [X] Necessary to prevent a violent forcible felony
- [X] Necessary to restrain for subject's safety
- [ ] Necessary during high-risk incident
- [ ] Necessary during riot
- [ ] Delaying Jail Operations

SUBJECT APPEARED TO BE	NUMBER OF OFFICERS ON SCENE	NUMBER OF OFFICERS USING FORCE
[X] Under the influence of alcohol and/or drugs [ ] Mentally impaired	7	3

LEVEL(S) OF RESISTANCE ENCOUNTERED
- [ ] NONE (subject cooperated/complied)
- [ ] PSYCHOLOGICAL INTIMIDATION (non-verbal cues indicating subject's attitude or physical readiness to resist)
- [ ] VERBAL NON-COMPLIANCE (subject's expressed unwillingness to comply with the officer's commands)
- [ ] PASSIVE RESISTANCE (represents by a refusal to respond to verbal commands but also offers no form of physical resistance)
- [X] ACTIVE RESISTANCE (pushing, pulling or running away from the officer to avoid control; not attempting to harm the officer)
- [X] ASSAULTIVE BEHAVIOR (physical actions of assault)
- [ ] AGGRAVATED ACTIVE AGGRESSION (potential injury or death)

LAW ENFORCEMENT TOOL/TECHNIQUE USED TO GAIN COMPLIANCE OR OVERCOME RESISTANCE (CHECK ALL THAT APPLY)

- [X] **Verbal Commands:** "Give me your arm"
- [X] **Empty Hand Control**
  - [ ] Grab, Push, Pull, or Body Weight
  - [X] Control Hold (Duration: 30 Seconds)
  - [ ] Pressure Point (Duration:) (# of Contacts:)
  - [ ] Strike (Body part used:) (# of Contacts:)
  - [ ] Takedown Type:
  - [ ] Carotid (Rendered Unconscious? [ ] Yes [ ] No) (Duration:)
- [ ] **Tool/Device/Weapon**
  - [ ] OC Agent (Duration:) (# of Contacts:)
    - [ ] Decontaminated [ ] Yes [ ] No
  - [ ] Cord Cuff Restraint Device (Duration:)
  - [ ] Impact Weapon (# of Contacts:)
    - Type:
  - [ ] Canine (Duration:) (# of Contacts:)
  - [ ] Vehicle/Forcible Stop
  - [ ] Weapon Pointed at Subject (Duration:)
    - Type:
  - [ ] Spit Sock (Duration:)
  - [ ] Pro-Straint Chair
  - [ ] Tactical Shield
  - [ ] WRAP

[ ] **Less-Lethal Weapon System**	Discharges	Number of	Target
[ ] PepperBall - OC Powder			
[ ] PepperBall - Water			
[ ] 37 mm Rifle - Standard			
[ ] 37 mm Rifle - Low Energy			
[ ] 40 mm Rifle - Bean Bag			
[ ] 40 mm Rifle - Sponge			
[ ] Taser - Probes			
[ ] Taser - Drive Stuns			
[ ] Stingball Grenade			
[ ] Sound/Light device			
[ ] 12-Gauge Super Sock			
[ ] Ultron/NOVA Shield			
[ ] REACT Belt			
[ ] **Firearm** Type:			
[ ] **Other:**			

WAS INITIAL USE OF FORCE EFFECTIVE? [X] Yes [ ] No

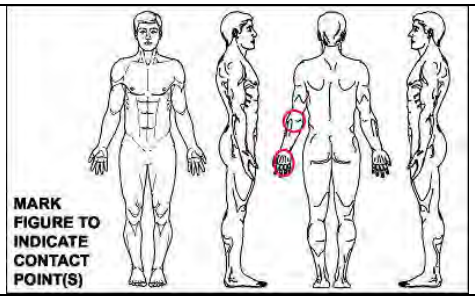
WAS ADDITIONAL CONTROL OR FORCE NEEDED? [ ] Yes [X] No

SUBJECT INJURED	EXTENT OF TREATMENT	OFFICER(S) INJURED	EXTENT OF TREATMENT
[X] Yes [ ] No	[ ] None [ ] Treated at hospital [ ] Treated at scene [X] Hospitalized [ ] Refused treatment	[X] Yes [ ] No	[ ] None [ ] Treated at hospital [X] Treated at scene [ ] Hospitalized [ ] Refused treatment

SUBJECT INJURY DESCRIPTION	OFFICER INJURY DESCRIPTION

OTHER FORCE USED/COMMENTS/EQUIPMENT PERFORMANCE:

		ARJIS	DATE
SERGEANT			
LIEUTENANT			
CAPTAIN			



San Diego County Sheriff's Department
Use of Force Supplemental

Use of Force Supplemental Instructions

Lines 1 & 3: Fill in the blanks.

Line 2: If the suspect was committing a crime and force was used to stop or apprehend the subject, document the appropriate penal code. If the UOF occurred in the performance of the officer's duties, document the incident description, i.e. officer transport, officer escort, making arrest, detaining suspect, cell extraction etc.

Primary Reason for Using Force: Check appropriate box(s).

Subject Appeared To Be: Check if applicable.

Number of Officers on Scene: List number of officers present.

Number of Officers Using Force: List number of officers that used force.

Level(s) of Resistance Encountered: Check appropriate box(s).

L.E. Tool/Technique Used: Check appropriate box(s). If known and/or applicable, include duration (approximate length of time) tool/technique was used. If known and/or applicable, include the number of contacts (approximate number of strikes, impacts, etc.) when requested on form.

Was Initial Use of Force Effective? If initial force used was effective, check "Yes." If initial force used was ineffective and additional force was necessary, check "No."

Was Additional Control or Force Needed: If initial force used was ineffective and additional force was necessary, check "Yes." If initial force used was effective, check "No."

Target Distance: If applicable (refers primarily to less lethal weapon systems), approximate distance or provide range (i.e. 7-15 feet, 15-20 yards, etc.) from subject during application of force.

Subject Injured: Check "Yes" if medically treated for injury sustained as a possible result of force applied by a officer(s) – does not include previous injuries suffered prior to officer contact. Check "No" if subject was not injured or simply complains of injury/pain suffered as a result of force applied by an officer(s) and refuses medical attention. Any complaints of pain shall be documented in the use of force report narrative (whenever any physical force used by a officer results in a complaint of injury or an injury that necessitates medical treatment of a subject, a supervisor will be notified immediately).

Extent of Treatment: Check appropriate box. Check none if subject was evaluated and no treatment was required. Specifically, check "Treated at Scene" if subject was treated at scene by EMS for injuries that may have resulted due to force applied by officer(s). Check "Treated at Hospital" if subject was transported to hospital for treatment of injuries that may have been sustained as an apparent result of force applied by officer(s). Check "Hospitalized" if subject was admitted to the Hospital as a result of injuries that were sustained as a result of force applied by officer(s).

Officer Injured: Check appropriate box (see above).

Extent of Treatment: Check appropriate box. Check none if officer was evaluated and no treatment was required. Specifically, check "Treated at Scene" if officer was treated at scene by EMS for injuries. Check "Treated at Hospital" if officer was transported to hospital for treatment of injuries. Check "Hospitalized" if officer was admitted to the Hospital as a result of injuries.

Other Force Used/Comments/Equipment Performance: This section can be used to document other force options not listed on the form; relevant comments about the incident such as complaints of pain/injury (room permitting) and negative/positive comments regarding equipment performance.

Mark Figure to Indicate Contact Points: When applicable, mark the areas on the figure where applied force contacted the subject's body.

Sergeant: Sign, list ARJIS number and date reviewed.

Lieutenant: Sign, list ARJIS number and date reviewed.

Captain: Sign, list ARJIS number and date reviewed.

San Diego County Sheriff's Department
Use of Force Supplemental

UFO DATE AND TIME	EVENT NUMBER	CASE NUMBER	DOCUMENT NUMBER	STATION/FACILITY
8/18/2016 10:20	E3568537	16141936	57631	SPS - Santee Station

INCIDENT DESCRIPTION / OFFENSES
69 PC

SUBJECT'S NAME (LAST, FIRST, MI)	DATE OF BIRTH	ARRESTED	SUPERVISOR PRESENT	DATE/TIME SUPERVISOR NOTIFIED
Whaley, Austin William	[redacted]	[X] Yes [ ] No	[X] Yes [ ] No	08/18/2016 10:25

REASON(S) FOR USING FORCE:

- [X] Necessary to effect an arrest
- [X] Necessary to defend self or another
- [X] Necessary to prevent escape/evasion
- [ ] Necessary to effect a lawful detention
- [X] Necessary to prevent a violent forcible felony
- [ ] Necessary to restrain for subject's safety
- [ ] Necessary during high-risk incident
- [ ] Necessary during riot
- [ ] Delaying Jail Operations

SUBJECT APPEARED TO BE	NUMBER OF OFFICERS ON SCENE	NUMBER OF OFFICERS USING FORCE
[X] Under the influence of alcohol and/or drugs [ ] Mentally impaired	9	3

LEVEL(S) OF RESISTANCE ENCOUNTERED

- [ ] NONE (subject cooperated/complied)
- [ ] PSYCHOLOGICAL INTIMIDATION (non-verbal cues indicating subject's attitude or physical readiness to resist)
- [ ] VERBAL NON-COMPLIANCE (subject's expressed unwillingness to comply with the officer's commands)
- [ ] PASSIVE RESISTANCE (represents by a refusal to respond to verbal commands but also offers no form of physical resistance)
- [X] ACTIVE RESISTANCE (pushing, pulling or running away from the officer to avoid control; not attempting to harm the officer)
- [X] ASSAULTIVE BEHAVIOR (physical actions of assault)
- [ ] AGGRAVATED ACTIVE AGGRESSION (potential injury or death)

LAW ENFORCEMENT TOOL/TECHNIQUE USED TO GAIN COMPLIANCE OR OVERCOME RESISTANCE (CHECK ALL THAT APPLY)

[X] **Verbal Commands:** "Put your hands behind your fucking back!" "Stop resisting!"

[X] **Empty Hand Control**
- [X] Grab, Push, Pull, or Body Weight
- [ ] Control Hold (Duration:)
- [ ] Pressure Point (Duration:) (# of Contacts:)
- [X] Strike (Body part used: Knee strike) (# of Contacts: 6)
- [ ] Takedown Type:
- [ ] Carotid (Rendered Unconscious? [ ] Yes [ ] No) (Duration:)

[ ] **Tool/Device/Weapon**
- [ ] OC Agent (Duration:) (# of Contacts:)
  - [ ] Decontaminated [ ] Yes [ ] No
- [ ] Cord Cuff Restraint Device (Duration:)
- [ ] Impact Weapon (# of Contacts:)
  - Type:
- [ ] Canine (Duration:) (# of Contacts:)
- [ ] Vehicle/Forcible Stop
- [ ] Weapon Pointed at Subject (Duration:)
  - Type:
- [ ] Spit Sock (Duration:)
- [ ] Pro-Straint Chair
- [ ] Tactical Shield
- [ ] WRAP

[X] **Less-Lethal Weapon System**

	Discharges	Number of	Target
[ ] PepperBall - OC Powder			
[ ] PepperBall - Water			
[ ] 37 mm Rifle - Standard			
[ ] 37 mm Rifle - Low Energy			
[ ] 40 mm Rifle - Bean Bag			
[ ] 40 mm Rifle - Sponge			
[ ] Taser - Probes			
[X] Taser - Drive Stuns	12	12	Direct
[ ] Stingball Grenade			
[ ] Sound/Light device			
[ ] 12-Gauge Super Sock			
[ ] Ultron/NOVA Shield			
[ ] REACT Belt			
[ ] **Firearm** Type:			
[ ] **Other:**			

WAS INITIAL USE OF FORCE EFFECTIVE? [ ] Yes [X] No

WAS ADDITIONAL CONTROL OR FORCE NEEDED? [X] Yes [ ] No

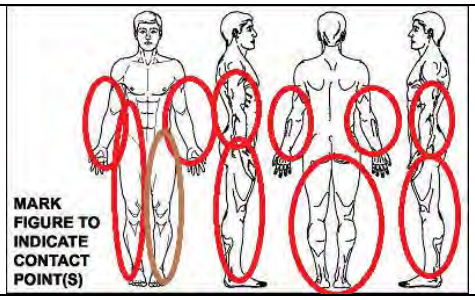
SUBJECT INJURED	EXTENT OF TREATMENT	OFFICER(S) INJURED	EXTENT OF TREATMENT
[X] Yes [ ] No	[ ] None [X] Treated at hospital [ ] Treated at scene [ ] Hospitalized [ ] Refused treatment	[ ] Yes [X] No	[X] None [ ] Treated at hospital [ ] Treated at scene [ ] Hospitalized [ ] Refused treatment

SUBJECT INJURY DESCRIPTION

OFFICER INJURY DESCRIPTION

OTHER FORCE USED/COMMENTS/EQUIPMENT PERFORMANCE:

		ARJIS	DATE
SERGEANT			
LIEUTENANT			
CAPTAIN			



San Diego County Sheriff's Department
Use of Force Supplemental

Use of Force Supplemental Instructions

Lines 1 & 3: Fill in the blanks.

Line 2: If the suspect was committing a crime and force was used to stop or apprehend the subject, document the appropriate penal code. If the UOF occurred in the performance of the officer's duties, document the incident description, i.e. officer transport, officer escort, making arrest, detaining suspect, cell extraction etc.

Primary Reason for Using Force: Check appropriate box(s).

Subject Appeared To Be: Check if applicable.

Number of Officers on Scene: List number of officers present.

Number of Officers Using Force: List number of officers that used force.

Level(s) of Resistance Encountered: Check appropriate box(s).

L.E. Tool/Technique Used: Check appropriate box(s). If known and/or applicable, include duration (approximate length of time) tool/technique was used. If known and/or applicable, include the number of contacts (approximate number of strikes, impacts, etc.) when requested on form.

Was Initial Use of Force Effective? If initial force used was effective, check "Yes." If initial force used was ineffective and additional force was necessary, check "No."

Was Additional Control or Force Needed: If initial force used was ineffective and additional force was necessary, check "Yes." If initial force used was effective, check "No."

Target Distance: If applicable (refers primarily to less lethal weapon systems), approximate distance or provide range (i.e. 7-15 feet, 15-20 yards, etc.) from subject during application of force.

Subject Injured: Check "Yes" if medically treated for injury sustained as a possible result of force applied by a officer(s) – does not include previous injuries suffered prior to officer contact. Check "No" if subject was not injured or simply complains of injury/pain suffered as a result of force applied by an officer(s) and refuses medical attention. Any complaints of pain shall be documented in the use of force report narrative (whenever any physical force used by a officer results in a complaint of injury or an injury that necessitates medical treatment of a subject, a supervisor will be notified immediately).

Extent of Treatment: Check appropriate box. Check none if subject was evaluated and no treatment was required. Specifically, check "Treated at Scene" if subject was treated at scene by EMS for injuries that may have resulted due to force applied by officer(s). Check "Treated at Hospital" if subject was transported to hospital for treatment of injuries that may have been sustained as an apparent result of force applied by officer(s). Check "Hospitalized" if subject was admitted to the Hospital as a result of injuries that were sustained as a result of force applied by officer(s).

Officer Injured: Check appropriate box (see above).

Extent of Treatment: Check appropriate box. Check none if officer was evaluated and no treatment was required. Specifically, check "Treated at Scene" if officer was treated at scene by EMS for injuries. Check "Treated at Hospital" if officer was transported to hospital for treatment of injuries. Check "Hospitalized" if officer was admitted to the Hospital as a result of injuries.

Other Force Used/Comments/Equipment Performance: This section can be used to document other force options not listed on the form; relevant comments about the incident such as complaints of pain/injury (room permitting) and negative/positive comments regarding equipment performance.

Mark Figure to Indicate Contact Points: When applicable, mark the areas on the figure where applied force contacted the subject's body.

Sergeant: Sign, list ARJIS number and date reviewed.

Lieutenant: Sign, list ARJIS number and date reviewed.

Captain: Sign, list ARJIS number and date reviewed.

TASER Information		**Offline Report**	
Serial	X00-705900	**Local Timezone**	Pacific Daylight Time (UTC -07:00)
Model	TASER X26	**Generated On**	18 Aug 2016 15:39:18
Firmware Version	Rev. 22		
Application Version	3.14.57		

Dates from : Thu Aug 18 06:00:00 2016 to : Thu Aug 18 16:00:00 2016

Device (X26)

Seq #	Local Time [DD:MM:YYYY hh:mm:ss]	Event [Event Type]	Duration [Seconds]	Temp [Degrees Celcius]	Batt Remaining [%]
206	18 Aug 2016 10:21:51	Trigger	5	30	67
207	18 Aug 2016 15:38:15	Sync	18 Aug 2016 15:40:17 to 18 Aug 2016 15:38:15		

TASER Information		Offline Report	
Serial	X30001000	**Local Timezone**	Pacific Daylight Time (UTC -07:00)
Model	TASER X2	**Generated On**	18 Aug 2016 16:19:26
Firmware Version	Rev. 03.036		
Application Version	3.14.57		
Health	Good		

Dates from : Thu Aug 18 06:00:00 2016 to : Thu Aug 18 17:00:00 2016

Device (X2)

Seq #	Local Time [DD:MM:YYYY hh:mm:ss]	Event [Event Type]	Cartridge Info [Bay: length in feet/status]	Duration [Seconds]	Temp [Degrees Celcius]	Batt Remaining [%]
705	18 Aug 2016 09:02:57	Armed	C1: 25' Standard C2: 25' Standard		30	66
706	18 Aug 2016 09:03:01	Arc	C1: 25' Standard C2: 25' Standard	1		66
707	18 Aug 2016 09:03:11	Arc	C1: 25' Standard C2: 25' Standard	1		66
708	18 Aug 2016 09:03:23	Arc	C1: 25' Standard C2: 25' Standard	1		66
709	18 Aug 2016 09:03:25	Arc	C1: 25' Standard C2: 25' Standard	1		66
710	18 Aug 2016 09:03:40	Arc	C1: 25' Standard C2: 25' Standard	2		66
711	18 Aug 2016 09:03:43	Arc	C1: 25' Standard C2: 25' Standard	1		66
712	18 Aug 2016 09:03:48	Arc	C1: 25' Standard C2: 25' Standard	1		66
713	18 Aug 2016 09:03:55	Arc	C1: 25' Standard C2: 25' Standard	1		66
714	18 Aug 2016 09:03:59	Arc	C1: 25' Standard C2: 25' Standard	1		66
715	18 Aug 2016 09:04:03	Arc	C1: 25' Standard C2: 25' Standard	1		66
716	18 Aug 2016 09:04:05	Arc	C1: 25' Standard C2: 25' Standard	1		66
717	18 Aug 2016 09:04:36	Arc	C1: 25' Standard C2: 25' Standard	1		65
718	18 Aug 2016 09:06:36	Safe	C1: 25' Standard C2: 25' Standard	219	41	65
719	18 Aug 2016 14:59:43	USB Connected				
720	18 Aug 2016 15:00:22	USB Connected				
721	18 Aug 2016 15:00:35	USB Connected				
722	18 Aug 2016 16:18:04	Time Sync	18 Aug 2016 15:00:36 to 18 Aug 2016 16:18:04			

San Diego County Sheriff's Department
Officer Report

CAD Event No. **E3568537** Case No. **16141936**

Report No. **57627**

GENERAL CASE INFORMATION

Special Studies: **MR - Meth Related**			Related Cases:
Location, City, State, ZIP: **10195 Riverford Rd,Lakeside, CA 92040**			Occurred On: **8/18/2016 10:20:00 AM (Thursday)**
Jurisdiction: **LAKESIDE - LAKESIDE**	Beat: **521**	Call Source:	(and Between):

INDIVIDUAL/S

Name: **Whaley, Austin William**					Person Code:			Interpreter Language: **EN - English**
ALIAS / AKA / NICKNAME / MONIKER:								
Home Address, City, State, ZIP: [redacted]				Res. Country: **US - UNITED STATES**		County Residence: **N Nonresident**		Undocumented: **No**
Race: **W**	Sex: **M**	Date of Birth / Age: [redacted] **- 31**	Height: **6' 0"**	Weight: **150 lbs**	Hair Color: **BRO**	Eye Color: **HAZ**	Facial Hair: **07 - Scraggly Beard**	Complexion: **TAN - Tanned**
Employment Status: **U - Unemployed**		Occupation/Grade:		Employer/School:			Employer Address, City, State, ZIP:	

CONTACT INFORMATION

IDENTIFICATION:

Type: **DLN - Drivers License Number**	Number: [redacted]	State: **CA - California**	Country:
Type: **SSN - SSN**	Number: [redacted]	State:	Country:

Attire: **SHIRTLESS**	Injury: **Yes**	Extent Of Treatment: **4 - Hospitalized**	Violent Crime Circumstances:

REPORT NARRATIVE

ORIGIN:
On 08/18/2016 at about 1020 hours, Deputy N. Rivera and I were driving northbound on Riverford Rd towards the intersection of Riverside Dr in Lakeside. As we approached the intersection, I observed two bicyclists in the parking lot of the 7-11 store (located at 10195 Riverford Rd). One of the bicyclists, a tall tanned female adult with black hair and very small black spandex shorts, was standing over a full sized bicycle and a bag of recyclables. The other bicyclist, a short shirtless male with a backpack and ponytail, was standing beside a small BMX bicycle with large antlers attached to the handlebars.

The male and female were at the end of the parking lot, near the grassy strip between the business and sidewalk. Due to their bag of recyclables and close proximity to the adjacent Quality Recycling business, I suspected they might be loitering at the business and were not customers of the 7-11. I directed Deputy Rivera's attention to the subjects, and we agreed to contact the subjects in order to conduct a field interview.

DEPUTY'S OBSERVATIONS AND ACTIONS:
Deputy Rivera pulled our marked patrol vehicle into the parking lot, next to the gas pumps, and about 10-15 feet from the bicyclists. The male bicyclist was later identified as Austin William Whaley [redacted], a misdemeanor warrant subject.

I greeted Whaley and his female companion. I asked the female companion what she was doing at the location, and she explained she had a "blow out" of her bike tire and said she was going to "Quality" [Recycling]. As I spoke to the female, I saw Whaley climb onto his bike. I asked Whaley and the female what their names were, and saw Whaley was slowly repositioning his bicycle, as if preparing to ride away. I asked Whaley "where you going dude?" and he said "I have a warrant" and began slowly pedaling away.

I turned and ran to Whaley, and closed the gap to him in about 3 paces. I told Whaley "hey stop", but he continued to pedal his bicycle. I grabbed the shoulder strap of Whaley's backpack with my right hand, but my hand became dislodged from it. I grabbed the shoulder strap again, with a firmer grasp, as Whaley and I got to the driveway apron of the 7-11 and Riverside Dr. Whaley either intentionally dismounted or fell off of his bicycle and, in doing so, my forward momentum caused us to nearly collide with each other.

I grasped Whaley's left wrist with my right hand, and attempted to guide it behind his back. Whaley tried to pull his wrist from my grasp, and turned and faced me. Based on Whaley's positioning and close proximity to me, I was concerned I was at a position of disadvantage and could reasonably be injured if he decided to use violence against me. I encircled Whaley's

Reporting Officer **SH6333 - KASTELIC, ROBERT**	Division / Organization **SPS_PAT / SPS - Santee Station**	Reviewed By **SH2160 - MCNEILL, MICHAEL**
Report Date **8/18/2016 3:14:29 PM**	Detective Assigned **SH7516 - BEERS, WILLIAM**	Reviewed Date **8/18/2016 4:00:11 PM**

upper body and head with my arms. I placed my left arm around the right side of his neck, my right arm under his left armpit, and interlocked my wrists beneath his upper torso. I lowered my center of gravity and spread my legs to wider than shoulder width, in order to prevent Whaley from fleeing on foot. Whaley dropped to his knees, and with one of his hands grabbed the left side of my neck and squeezed my throat. I released my hold on Whaley, and repositioned myself to try and control his hands by grabbing his wrists. Whaley yelled his warrant was "not bookable!"

I observed Deputy Rivera standing beside me at my left side. I asked Deputy Rivera to broadcast a radio transmission of "Code Cover". Deputy Rivera joined me in trying to overcome Whaley's resistance and gain compliance. See her report for details of her involvement in this incident.

As I attempted to grasp Whaley's wrists, he twisted his upper body and pulled his arms away from me. Whaley's sweat covered upper body and constant twisting made it difficult to maintain a first grasp of his hands. For an estimated 20 seconds, I repeatedly grabbed Whaley's wrists but my grasp was dislodged each time. During this, Whaley repeatedly tried to stand up from his kneeling position. I attempted to encircle Whaley's waist with both of my hands, but again lost my grasp due to his sweat. At some point while trying to grab Whaley's wrists, he punched me twice in my face in a short "jabbing" motion. Whaley's fist impacted my left cheekbone and lip.

I again encircled Whaley's upper body with my arms around him, and lowered my center of gravity. Whaley again continuously attempted to gain his footing and stand up, and this caused me to reposition myself. I grabbed Whaley's left wrist with my right hand, and then with my left hand. Whaley raised himself up from the ground and I punched him 4 times in the right side of his face with my right fist. Whaley fell to the ground and back to his knees, and after several more seconds of struggling I attempted to positioned him on his stomach. I told Whaley to "stop" or "stop fighting" several times, but he did not respond. Once his upper body was flat on the pavement, I deployed my Conducted Energy Device (CED) in probe mode, into Whaley's lower back. Almost immediately after deploying the CED, I saw one of the probes had become dislodged from Whaley's skin and the device was ineffective.

Whaley rolled on to his back and faced me as I knelt over him. I again attempted to control Whaley's arms, but he continuously pulled away from me. During this, I lost control of my CED and I discarded it on the ground behind me. Whaley used one of his hands and pulled my nylon magazine pouch and magazines off of my duty belt, grabbed my handcuff case, and attempted to pull my now empty CED holster off my duty belt. I rolled Whaley onto his right side, and punched him in the face 5 times with my right hand. Whaley again tried to stand up, and raised his body up from the ground. I believed Whaley's long hair would provide a more reliable grasp than his sweaty and now bloody hands, so I grabbed Whaley's hair with my left hand to control his head. I grasped Whaley's right hand with my right hand and attempted to pull it behind his back for handcuffing. Whaley pulled his knees in towards his chest, and tried to sit up.

I released my grasp of Whaley's right wrist, and removed my expandable baton from my right side. I extended the baton and, while holding it, I placed my right hand over his right hand and wrist, in an attempt to control him. I again told Whaley to "stop or you're gonna get hit again." Using my body weight and my control of his hair, I attempted to reposition Whaley to his stomach for handcuffing. Using the flat bottom of the expandable baton, I struck Whaley in the left side of his face. Whaley briefly flattened his upper body to the ground, but then again brought his knees to his chest and attempted to stand up. I again used the flat bottom of the expandable baton, and struck Whaley twice along the right side of his rib cage. Whaley raised his body from the ground, and I struggled to push him back onto his stomach. Whaley tried to turn underneath me, so I again used the flat bottom of the expandable baton, and struck Whaley in the face twice. Whaley twisted his body underneath me and I was unable to maintain a control hold of his person.

I discarded my expandable baton, and resumed trying to control Whaley with both of my hands. Whaley turned onto his back, and with his left hand grabbed my neck. I pushed Whaley's hand away, and with my left hand I reacquired a firm hold of his hair and with my right hand I held his left shoulder down. I heard sirens approaching, and I maintained this position for several seconds until I was joined by Deputy T. Bennett. Deputy Bennett, Deputy Rivera and I positioned Whaley onto his left side, and I used my body weight and left knee over his chest to maintain his positioning until other law enforcement officers could arrive.
Several seconds later, Deputies D. Chandroo, G. Mateus, and P. Farber arrived, and assisted with placing Whaley onto his stomach. As we placed Whaley onto his stomach, I adjusted my position and placed my right lower leg and knee onto the

small of his back, in order to prevent him from raising his knees to his chest as he had done so many times before. Once Whaley was handcuffed, I disengaged from restraining him.

During my 9 year law enforcement career and 14 years of military service, I have been involved in countless uses of force. Through these experiences, I have learned to distinguish between violence used by suspects when attempting to flee law enforcement apprehension, and when attempting to inflict injury or overpower me. I have previously sustained both serious and minor injuries from combative suspects, and I am familiar with typical combative behavior exhibited by subjects during violence against law enforcement officers. Based on these experiences, his repeated attempts to rise to his feet, his strikes to my face, him grabbing my neck, and his repeated attempts to face me, I believe Whaley was deliberately attempting to overpower me and inflict injury on me. Had I not used force to defend myself, gain compliance, and overcome his resistance, Whaley could reasonably gained control over me and inflicted serious injuries on myself and Deputy Rivera.

I collected my CED, magazine pouch and duty magazines, and expandable baton from the ground. I briefed Sergeant M. McNeill on my involvement in the incident. Deputy W. Price photographed me, to include my injuries and uniform with Whaley's blood on it. Paramedics from the Lakeside Fire Department assisted me with decontaminating my arms and hands from Whaley's blood. I later disposed of my uniform shirt and pants due to blood stains and damage from the incident. While decontaminating myself, I discoverd a small scratch to the back of my right hand, about 1/2" in length, and an abrassion to my left forearm near my elbow. The abrasion bled slightly. My lip, neck, and cheekbone sustained a mild sensation of pain, as did my right wrist. I did not require hospitalization or medical treatment for my minor injuries.

At some point during the incident, after Deputy Rivera broadcast "Code Cover", I also broadcast a radio transmission consisting of our location "Riverside and Riverford" and similarly requested "Code Cover". While broadcasting this transmission, I discovered my radio microphone had become dislodged from my lapel.

Deputy J. Riggin subsequently arrested Whaley for 69 PC, for 11364 HS (after locating a methamphetamine pipe in his possession), and for 3 misdemeanor warrants for 11364 HS.

Later, at the Santee Station, I was made aware of a video of the incident taken by a bystander. Detective Greco provided me with a copy of the video, which I reviewed. Based on my recollection, I estimate the video depicts all but the first 20-30 seconds of the incident.

I concluded my involvement in the matter.

San Diego County Sheriff's Department
Officer Report

CAD Event No. **E3568537**

Case No. **16141936**

Report No. **57630**

GENERAL CASE INFORMATION

Special Studies:			Related Cases:
TR - Transient Related			
Location, City, State, ZIP:			Occurred On:
10195 Riverford Rd,Lakeside, CA 92040			**8/18/2016 10:20:00 AM (Thursday)**
Jurisdiction:	Beat:	Call Source:	(and Between):
LAKESIDE - LAKESIDE	**521**		

INDIVIDUAL/S

Name:			Person Code:		Interpreter Language:
Whaley, Austin William					
ALIAS / AKA / NICKNAME / MONIKER:					
Home Address, City, State, ZIP:			Res. Country:	County Residence:	Undocumented:
[redacted]			**US - UNITED STATES**	**N Nonresident**	**No**

Race:	Sex:	Date of Birth / Age:	Height:	Weight:	Hair Color:	Eye Color:	Facial Hair:	Complexion:
W	**M**	[redacted] **- 31**	**6' 0"**	**150 lbs**	**BRO**	**HAZ**	**07 - Scraggly Beard**	

Employment Status:	Occupation/Grade:	Employer/School:	Employer Address, City, State, ZIP:
U - Unemployed			

CONTACT INFORMATION

IDENTIFICATION:

Type:	Number:	State:	Country:
DLN - Drivers License Number	[redacted]	**CA - California**	
Type:	Number:	State:	Country:
SSN - SSN	[redacted]		

Attire:	Injury:	Extent Of Treatment:	Violent Crime Circumstances:
	Yes	**4 - Hospitalized**	

REPORT NARRATIVE

Please see Case Report.

Reporting Officer	Division / Organization	Reviewed By
SH1646 - RIGGIN, JAMES	**SPS_PAT / SPS - Santee Station**	**SH2160 - MCNEILL, MICHAEL**
Report Date	Detective Assigned	Reviewed Date
8/18/2016 5:39:29 PM	**SH7516 - BEERS, WILLIAM**	**8/19/2016 9:42:38 AM**

San Diego County Sheriff's Department
Officer Report

CAD Event No. **E3568537** Case No. **16141936**

Report No. **57631**

GENERAL CASE INFORMATION

Special Studies:			Related Cases:
Location, City, State, ZIP: **10195 Riverford Rd,Lakeside, CA 92040**			Occurred On: **8/18/2016 10:20:00 AM (Thursday)**
Jurisdiction: **LAKESIDE - LAKESIDE**	Beat: **521**	Call Source:	(and Between):

INDIVIDUAL/S

Name: **Whaley, Austin William**							Person Code:	Interpreter Language: **EN - English**
ALIAS / AKA / NICKNAME / MONIKER:								
Home Address, City, State, ZIP: [redacted]				Res. Country: **US - UNITED STATES**			County Residence: **N Nonresident**	Undocumented: **No**
Race: **W**	Sex: **M**	Date of Birth / Age: [redacted] **- 28**	Height: **5' 11"**	Weight: **175 lbs**	Hair Color: **BRO**	Eye Color: **HAZ**	Facial Hair: **02 - Beard Only**	Complexion: **TAN - Tanned**
Employment Status: **U - Unemployed**		Occupation/Grade:		Employer/School:			Employer Address, City, State, ZIP:	
CONTACT INFORMATION								
Type: **MP - Mobile Phone**				Number/Address: [redacted]				
IDENTIFICATION:								
Type: **DLN - Drivers License Number**		Number: [redacted]		State: **CA - California**			Country: **US - UNITED STATES**	
Type: **SSN - SSN**		Number: [redacted]		State:			Country:	
Attire: **black shirt, brown shorts**		Injury: **Yes**		Extent Of Treatment: **3 - Treated at Hospital**			Violent Crime Circumstances:	

REPORT NARRATIVE

ORIGIN:
On 8/18/2016 at approximately 1020 hours, Corporal Kastelic (#6333) and I were driving northbound on Riverford Road when I observed two bicyclists near the bushes located in front of the Seven Eleven Store (located at 10195 Riverford Road in Lakeside). Based on their location, not getting gasoline, and both did not look like customers, I believed them to be loitering. One of the bicyclists was a tall tanned female wearing small black shorts and a baseball hat. The second bicyclist was a tall tanned shirtless male with a braided goatee and had a bicycle with antlers strapped to the handlebars.

DEPUTY'S OBSERVATIONS AND ACTIONS:
I pulled into the Seven Eleven Store parking lot and parked my patrol vehicle on the west side near the gas pumps approximately 15 feet away from the female and male. Corporal Kastelic (#6333) and I contacted both individuals and asked them what they were doing. The female stated she had a "blow out" and was trying to fix it. Corporal Kastelic then asked them what their names were and the male, later identified as Austin William Whaley, immediately got on his bicycle.

Whaley began to ride away east bound towards the drive way and stated, "I might have a warrant." Corporal Kastelic and I subsequently ran after Whaley in about four steps. Corporal Kastelic told Whaley to stop, but Whaley continued to pedal away. Whaley was taken to the ground by Corporal Kastelic and landed in the westbound number two lane on Riverside Drive.

I observed Corporal Kastelic maintain a hold on Whaley's torso and observed Whaley trying to break Corporal Kastellic's hold on him by aggressively pushing off the ground and moving his body from side to side. I attempted to gain compliance from Whaley and overcome his resistance. I delivered approximately five knee strikes to the left side of his torso and right quad area. I yelled at Whaley, to "Stop resisting!" and "Put your hands behind your fucking back!" multiple times. Whaley ignored my commands and continued to resist by violently moving his body side to side. Whaley attempted to stand up, and used his hands and knees to push himself off of the ground and out of a prone position.

I grasped Whaley's right arm using my hands, and pulled it towards me to break Whaley's balance. Whaley was extremely slippery due to his sweat, which resulted in me losing control over his arm. I then delivered one knee strike and applied downward pressure to his torso using my hands. Shortly after, Whaley was taken to the ground by Corporal Kastelic (see his report for further details). Whaley used his hands to brace himself from falling into the prone position. I grasped Whaley's left arm with my hands and pulled towards me to break his balance. This was ineffective. Using my radio I broadcasted "CODE

Reporting Officer	Division / Organization	Reviewed By
SH0124 - RIVERA, NATALIE	**SPS_PAT / SPS - Santee Station**	**SH2160 - MCNEILL, MICHAEL**
Report Date	Detective Assigned	Reviewed Date
8/18/2016 5:47:03 PM	**SH7516 - BEERS, WILLIAM**	**8/19/2016 9:25:03 AM**

COVER" and my location. Whaley continued to attempt to stand up. Whaley was facing me when I used my right hand to grab control of his hair. I believed grabbing Whaley's hair would provide better control than his sweaty arms and torso. I pulled downward in order to prevent him from standing up and used my left hand to hold his left arm to stop him from attempting to injure myself or Corporal Kastelic.

I observed a female walking towards us, and I was concerned she might try to interfere with our efforts to safely gain control of Whaley. I yelled at her "Get back! Get Back!" the female walked away. Whaley continued to try to stand up but fell on his back. I used my hands and left knee to pin his right arm to the ground. I did this to prevent him from hitting me or my partner and attempting to inflict injury. Whaley turned towards me and then onto his hands and knees. I grasped his left arm as he pushed against the ground. Whaley pulled away from my hold and moved his body aggressively side to side.

He continued to push off the ground to break away. I deployed my department issued X2 Conducted Energy Device (CED) in drive stun mode. I used my CED on his right lower torso one time and right leg quad and calf area eleven total times to prevent him from assaulting me and my partner and inflicting injury. I also applied downward pressure and used my body weight and left hand to maintain control of his legs. Whaley continued to crawl away and move his body violently to break from our hold. Whaley kicked his leg outward towards me and broke my hold of his legs. I repositioned myself and grasped his legs again using my left hand and used my Conducted Energy Device in "drive stun" mode. I used my CED in "drive stun" mode a total of twelve times.

Had I not used force against Whaley to defend myself, gain compliance, and overcome his resistance, Whaley could have inflicted serious injuries on me and Corporal Kastelic. Several Deputies responded and I disengaged from Whaley. I briefed Sergeant M. McNeill on my involvement in the incident. I was photographed by Corporal W. Price. Corporal Kastelic and I drove to the Santee Station where I decontaminated myself of Whaley's blood (which was present on my arms, hands, and uniform) and changed my uniform. I had no further involvement in the incident.

REFERENCES:
Deputy Kastelic's report






CHAOS








Death
Before Dishonor
CUF®
T-A2-2A-L
LONG
















Masimo
Adtx
SpO2




ARTERY




asure!
CIGARETTES
5.11
ECIAL OFFER!
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saloon


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SHERIFF
CITY OF SANTEE
SHERIFF
KEEPING THE PEACE SINCE 1850
KEEPING THE




SHERIFF
SHERIFF
KEEPING THE PEACE SINCE 1850


SHERIFF
N. RIVERA


N. RIVERA
MOTOROLA


SHERIFF
DEPUTY SHERIFF
EUREKA
COUNTY
SAN DIEGO








MODE
RECALL
START
SPLIT
TIMEX
STOP
INDIGLO
















RIGHT
COUNTY
GOODYEAR
WRANGLER


ELEVEN
7-ELEVEN
R. KASTELIC


R. KA
IFF


GOODYEAR
WRANGLER


IFF


R. KASTELIC
MOTOROLA






WRANGLER


WRANG
DYEAR








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SAN DIEGO COUNTY SHERIFF
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SAN DIEGO COUNTY SHERIFF
7-ELEVEN


JANSPORT




SHERIFF
1362494
KEEPING THE PEACE SINCE 1850


285 9/10 Unleaded Gasoline
305 9/10 Premium Unleaded Gasoline
GASOLINE
[redacted]
[redacted]
[redacted]
[redacted]
OFERNO
26
20443
1362494


DISCOUNT R.V.
GASOLINE
Unleaded
Gasoline
4.99
99¢
O'FERNO


SHERIFF
ELEVEN
$5.55
Premium
Unleaded
Gasoline


Riverford Rd
10150
NO OUTLET
RIGHT LANE ENDS
2
LAKESIDE FIRE DISTRICT
CSA 69
SHERIFF
CITY OF SANTEE
KEEPING THE PEACE SINCE 1850
7-ELEVEN
LAKESIDE FIRE
FERNO


SHERIFF
FERNO
LAKESIDE
FIRE DISTRICT
CSA 69
Paramedic
KEEPING THE PEACE SINCE 1850
SHERIFF


NO U TURN
Riverford Rd
10190
2
LAKESIDE
FIRE DISTRICT
CSA 69
Paramedics
SAN DIEGO COUNTY SHERIFF
KEEPING THE PEACE SINCE 1850
SHERIFF
SHERIFF
SAN DIEGO COUNTY
GOODYEAR


26
LAKESIDE
FIRE DEPT.
26
23867
Ford
CA EXEMPT
1452774


ELEVEN
Oh thank heaven!
265 9/10 REGULAR UNLEADED GASOLINE
285 9/10 MIDGRADE UNLEADED GASOLINE
305 9/10 PREMIUM UNLEADED GASOLINE
GASOLINE
$5.55
BIKE ROUTE
SHERIFF
20458
CA EXEMPT
1335273
KEEPING THE PEACE SINCE 1850


ELEVEN
Oh thank heaven!
265 9/10 REGULAR UNLEADED GASOLINE
285 9/10 MIDGRADE UNLEADED GASOLINE
305 9/10 PREMIUM UNLEADED GASOLINE
$5.55
SHERIFF
20443
1362494
SHERIFF
KEEPING THE PEACE SINCE 1850
20259
1276178
LAKE FIRE DEPT
2
Riverford Rd


LAKESIDE FIRE DISTRICT
CSA 69
SHERIFF
CITY OF SANTEE
CA EXEMPT 1275178
SHERIFF
20443
CA EXEMPT 1362494
LAKESIDE FIRE
7-ELEVEN
$5.55
LARGE


SHERIFF


SHERIFF
CITY OF SANTEE
KEEPING THE PEACE SINCE 1850


SHERIFF
CITY OF SANTEE
KEEPING THE PEACE SINCE 1850
SHERIFF
20443
SHERIFF
KEEPING THE PEACE SINCE 1850
$5.55
2.55
2.95
3.05


7 ELEVEN
Oh thank heaven!
265
285
305
SHERIFF
KEEPING THE PEACE SINCE 1850


ELEVEN
Oh thank heaven!
265 Regular Unleaded Gasoline
285 Mid Grade Unleaded Gasoline
305 Premium Unleaded Gasoline
Marlboro
547
499
Newport
pleasure!
99¢
SHERIFF
KEEPING THE PEACE SINCE 1850
1243652
KEEPING THE PEACE SINCE 1850

CHAOS

NEXT

element


7-ELEVE
SELF-SERVICE
ISLAND
WARNING
STOP ENGINE
NO SMOKING
IT IS UNLAWFUL AND
DANGEROUS FOR
ANYONE TO DISPENSE
GASOLINE INTO
UNAPPROVED CONTAINERS.
IT IS UNLAWFUL AND
DANGEROUS FOR
ANYONE TO DISPENSE
GASOLINE WITHOUT
AN ATTENDANT ON DUTY.
99¢
Ford


SHERIFF
1275189


SHERIFF
KEEPING THE PEACE SINCE 1850
BIKE ROUTE



KABU

KAHARA

KABU

KASARA


VITESSE
MAJESTO
ARA

[redacted]


ROAD USE
STUNTING
CHAOS
[redacted]
RNATIONAL
NA




SHERIFF
$5.55
LARGE
ALL NEW
MARK TEN XL
e-vapor
PLUS TAX
$ 4.99
PLUS TAX
Newport
pleasure!
CIGARETTES
WHILE SUPPLIES LAST!
5.11
SPECIAL OFFER!
SHERIFF
SHERIFF


Mid Grade
Unleaded
Gasoline
Premium
Unleaded
Gasoline
4.99
PLUS TAX
Newport
pleasure!
CIGARETTES
511
SPECIAL OFFER!
SHERIFF
SHERIFF
KEEPING THE PEACE SINCE 1850


ALL NEW
$ 4.99
Newport
pleasure!
CIGARETTES
$ 4.70
SPECIAL PRICE!
$5.55
SHERIFF
SHERIFF